

Washington State Register

FEBRUARY 18, 1981

OLYMPIA, WASHINGTON

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filed not later than February 4, 1981
1st Audit 10-20-81 PO

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-37.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 RCW or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1981

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
81-01	Jan 7, 1981	Jan 27	Dec 24, 1980	Dec 10	Nov 26
81-02	Jan 21	Feb 10	Jan 7	Dec 24, 1980	Dec 10
81-03	Feb 4	Feb 24	Jan 21	Jan 7	Dec 24, 1980
81-04	Feb 18	Mar 10	Feb 4	Jan 21	Jan 7
81-05	Mar 4	Mar 24	Feb 18	Feb 4	Jan 21
81-06	Mar 18	Apr 7	Mar 4	Feb 18	Feb 4
81-07	Apr 1	Apr 21	Mar 18	Mar 4	Feb 18
81-08	Apr 15	May 5	Apr 1	Mar 18	Mar 4
81-09	May 6	May 26	Apr 22	Apr 8	Mar 25
81-10	May 20	Jun 9	May 6	Apr 22	Apr 8
81-11	Jun 3	Jun 23	May 20	May 6	Apr 22
81-12	Jun 17	Jul 7	Jun 3	May 20	May 6
81-13	Jul 1	Jul 21	Jun 17	Jun 3	May 20
81-14	Jul 15	Aug 4	Jul 1	Jun 17	Jun 3
81-15	Aug 5	Aug 25	Jul 22	Jul 8	Jun 24
81-16	Aug 19	Sep 8	Aug 5	Jul 22	Jul 8
81-17	Sep 2	Sep 22	Aug 19	Aug 5	Jul 22
81-18	Sep 16	Oct 6	Sep 2	Aug 19	Aug 5
81-19	Oct 7	Oct 27	Sep 23	Sep 9	Aug 26
81-20	Oct 21	Nov 10	Oct 7	Sep 23	Sep 9
81-21	Nov 4	Nov 24	Oct 21	Oct 7	Sep 23
81-22	Nov 18	Dec 8	Nov 4	Oct 21	Oct 7
81-23	Dec 2	Dec 22	Nov 18	Nov 4	Oct 21
81-24	Dec 16	Jan 5, 1982	Dec 2	Nov 18	Nov 4

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²"No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediate preceding Register.

³OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

(e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.

(ii) A household shall be allowed to switch to or from the standard during its certification period.

(h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.

(5) Households which contain one or more members who are sixty years of age or older, receive supplemental security income (SSI), or receive social security disability payments under Title II of the Social Security Act shall be authorized, effective January 1, 1980:

(a) A dependent care deduction up to $((\$90))$ \$115 as specified in WAC 388-54-740(3) and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is sixty years of age or older, or receives supplemental security income (SSI), or receives social security disability, or has received emergency SSI from the social security administration shall be authorized effective January 1, 1980, a deduction for unreimbursable monthly medical expenses over \$35.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend down expenses incurred by medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eye glasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump sum settlements or which continue mortgage or loan payments while the beneficiary is disabled;

(ii) The cost of special diets.

WSR 81-04-002
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1591—Filed January 26, 1981]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to

Food stamps—Income—Deductions, amending WAC 388-54-740.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with federal requirements.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.010[74.04.510] and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 22, 1981.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1584, filed 12/30/80)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of $((\$75))$ \$85 per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed $((\$90))$ \$115. The dependent care deduction in combination with the shelter deduction shall not exceed $((\$90))$ \$115.

(4) Shelter costs in excess of fifty percent of the household's income after the above deductions. The shelter deductions alone or in combination with the dependent care deduction, shall not exceed $((\$90))$ \$115.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal and basic service fee for one telephone (plus tax) and initial installation fees for utility services. One time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) *Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:*

- (i) *The household intends to return to the house;*
- (ii) *The current occupants, if any, are not claiming shelter costs for food stamp purposes;*
- (iii) *The home is not being leased or rented during the household's absence.*

(c) *Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.*

(d) *Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone and shall be effective November 1, 1980.*

Persons in Household

Food Stamp Utility Standards

	November 1, 1980 thru April 30, 1981	May 1, 1981 thru October 31, 1981
1	\$128.00	\$ 81.00
2	137.00	86.00
3	148.00	90.00
4	158.00	94.00
5	166.00	101.00
6	177.00	106.00
7	184.00	111.00
8	190.00	114.00
9	200.00	118.00
10 or more	208.00	124.00

(e) *Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.*

(f) *If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.*

(g) *If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.*

(i) *The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.*

(ii) *A household shall be allowed to switch to or from the standard during its certification period.*

(h) *The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.*

(5) *Households which contain one or more members who are sixty years of age or older, receive supplemental security income (SSI), or receive social security disability payments under Title II of the Social Security Act shall be authorized, effective January 1, 1980:*

(a) *A dependent care deduction up to (\$90) \$115 as specified in WAC 388-54-740(3) and*

(b) *An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.*

(6) *An individual who is sixty years of age or older, or receives supplemental security income (SSI), or receives social security disability, or has received emergency SSI*

from the social security administration shall be authorized effective January 1, 1980, a deduction for unreimbursable monthly medical expenses over \$35.

(a) *Allowable medical expenses are:*

(i) *The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense must be considered as medical expenses;*

(ii) *The cost of medical insurance;*

(iii) *Medicare premiums related to coverage under Title XVIII of the Social Security Act;*

(iv) *Any cost-sharing on spend down expenses incurred by medicaid (medical only) recipients;*

(v) *Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;*

(vi) *Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;*

(vii) *The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;*

(viii) *Dentures, hearing aids, prosthetics, and eye glasses prescribed by an optometrist or physician skilled in eye disease;*

(ix) *Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;*

(x) *Reasonable cost of transportation and lodging to obtain medical treatment or services.*

(b) *Nonallowable expenses are:*

(i) *The cost of health and hospital insurance which pays in lump sum settlements or which continue mortgage or loan payments while the beneficiary is disabled;*

(ii) *The cost of special diets.*

WSR 81-04-003
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-10—Filed January 26, 1981]

I, Rolland Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are adopted pursuant to the Columbia River compact.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.40.010 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 26, 1981.

By Rolland Schmitt
Director

NEW SECTION

WAC 220-32-03000B GILL NET SEASON Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except in those areas, at those times and with the gear designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.

6 p.m. February 23 until 6 p.m. February 27, 1981

6 p.m. March 1 until 6 p.m. March 3, 1981

8 inch minimum mesh restriction

NEW SECTION

WAC 220-32-05100Q GILL NET SEASON Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish 12 noon February 1 until 12 noon March 31, 1981.

WSR 81-04-004

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed January 26, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services, intends to adopt, amend, or repeal rules concerning:

Amd ch. 388-320 WAC Public records—Disclosure.
Rep ch. 388-48 WAC Safeguarding information.
Rep WAC 388-08-007 Fair hearing—Access to records.

A public hearing concerning these proposed rules was held on December 24. The purpose of this notice is to postpone adoption from January 23 to February 13 to give the secretary additional time to consider public testimony;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, February 13,

1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.340.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-17-050, 81-02-022 and 81-03-026 filed with the code reviser's office on 11/19/80, 1/2/81 and 1/12/81.

Dated: January 23, 1981

By: N. S. Hammond
Executive Assistant

WSR 81-04-005
PROPOSED RULES
GRAYS HARBOR
COMMUNITY COLLEGE

[Filed January 27, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Grays Harbor Community College, District No. 2, intends to adopt, amend, or repeal rules concerning personnel rules for the classified staff service of Grays Harbor College, policies and procedures for tenure and dismissal and public records policy;

that such institution will at 8:00 p.m., Monday, March 30, 1981, in the Conference Room, Administration Building, Grays Harbor College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 p.m., Monday, March 30, 1981, in the Conference Room, Administration Building, Grays Harbor College.

The authority under which these rules are proposed is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 30, 1981, and/or orally at 8:00 p.m., Monday, March 30, 1981, Conference Room, Administration Building, Grays Harbor College.

Dated: January 26, 1981

By: Joseph A. Malik
President

STATEMENT OF PURPOSE

Personnel Rules for the Classified Staff Service of Grays Harbor College (repeal)

On July 1, 1968, Personnel Rules for the Classified Staff Service of Grays Harbor College were filed under WAC 132B-12-003-363. The purpose of these rules was to give effect to the State Civil Service Law, chapter 41.06 RCW, of the state of Washington. These rules provided basic statements of personnel policy and procedures which were to be applied equitably to all classified employees of Grays Harbor College. The college is now proposing that

WAC 132B-12-003-363 be repealed because it has been superseded by rules promulgated by the Higher Education Personnel Board under chapter 251-04 WAC, et. seq.

Policies and Procedures for Tenure and Dismissal (amend)

Under the statutory authority of RCW 28B.50.850, et seq., Grays Harbor College filed Policies and Procedures for Tenure and Dismissal (Title: WAC 132B-128-010-050). The purpose of this action was to set forth procedures for implementing the statutes which protect the rights of tenured faculty. By seeking to amend these rules, Grays Harbor College wishes to bring about uniformity in the lists of administrative positions and titles as they appear in the Washington Administrative Code and in the various college publications (catalog, brochures, student handbook, etc.). This amendatory filing will reflect minor changes in grammar and style.

Public Records Policy (amend)

Under the statutory authority of RCW 42-30.060, Grays Harbor College filed its Operations and Procedures rule (WAC 132B-276-040). The purpose of this rule was to insure compliance with chapter 42.30 RCW, commonly called Initiative No. 276. Grays Harbor College wishes to amend its original filing by deleting the wording which schedules meeting dates for the board of trustees on precise days. Legal counsel has advised the college that it is unnecessary to include the deleted information within formal codified WAC form if this information is published annually by the Washington Code Reviser in the Washington State Register.

Inquiries relating to the above proposals for repealing or amending rules may be directed to:

Dr. Joseph A. Malik, President
Grays Harbor College
Aberdeen, Washington 98520
Telephone: (206) 532-9020,
Scan 433-1011

AMENDATORY SECTION (Amending Order 79-1, Resolution 11-79, filed 8/1/79)

WAC 132B-128-020 DEFINITIONS. Faculty appointment – Full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian.

Full-time position – One in which the faculty member receives a contract labeled full-time and works a regular load of his division or area for any three complete quarters in one calendar year. Only special circumstances, which shall be described in writing, will permit the faculty member to work less than a regular load and retain a full-time contract.

Dismissal review committee – A committee to hear dismissal cases shall be composed of a member of the administrative staff, a student representative, and members of the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty division heads acting in a body as specified by the dismissal policy.

Faculty peer – One who holds a faculty appointment.

Probationer – Any individual holding a probationary faculty appointment.

Probationary faculty appointment – A faculty appointment for a designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment.

Tenure – A faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

Tenure review committee – A committee composed of the probationer's faculty peers, a student representative, and a member of the administrative staff of the community college provided that the majority of the committee shall consist of the probationer's faculty peers and that the faculty members be elected as specified by the tenure policy by a majority of the faculty members.

Appointing authority – Shall mean the board of trustees of Community College District No. 2.

Administrative appointment – Shall mean employment in a specific administrative position as determined by the appointing authority.

Administrative position – For purposes of this document, the following positions are considered administrative positions at Grays Harbor College: President, dean of instruction, dean of administration, associate dean for student affairs, associate dean for admissions and records, associate dean for vocational education, associate dean for continuing education, assistant dean ((for)) of administration, assistant dean for library and media services, coordinator ((for)) of basic education, coordinator ((for)) of continuing education, coordinator ((for)) of child and family studies, coordinator ((for)) of women's ((programs)) resources center, coordinator of financial aids and veterans affairs, and coordinator of student programs.

AMENDATORY SECTION (Amending Order, filed 10/28/74)

WAC 132B-276-040 OPERATIONS AND PROCEDURES. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. ((The trustees meet the third Monday of each of the following months: September, November, January, March and May in the Administrative Conference Room of Grays Harbor College, unless public notice is given of a special meeting. At such time)) The trustees exercise the powers and duties granted them under RCW 28B.50.140.

REPEALER

Chapter 132B-12 of the Washington Administrative Code is repealed as follows:

(1) <u>WAC 132B-12-003</u>	PURPOSE.
(2) <u>WAC 132B-12-006</u>	POSITIONS COVERED BY THE RULES.
(3) <u>WAC 132B-12-009</u>	ADOPTION OF RULES.
(4) <u>WAC 132B-12-012</u>	AMENDMENT OF RULES.
(5) <u>WAC 132B-12-015</u>	DEFINITIONS.
(6) <u>WAC 132B-12-018</u>	ORGANIZATION.
(7) <u>WAC 132B-12-021</u>	COMPENSATION.
(8) <u>WAC 132B-12-024</u>	ELECTION OF OFFICERS.
(9) <u>WAC 132B-12-027</u>	MEETINGS.
(10) <u>WAC 132B-12-030</u>	POWERS AND DUTIES.
(11) <u>WAC 132B-12-033</u>	APPOINTMENT.
(12) <u>WAC 132B-12-036</u>	POWERS AND DUTIES.
(13) <u>WAC 132B-12-039</u>	CONTENT.
(14) <u>WAC 132B-12-042</u>	AMENDMENT.
(15) <u>WAC 132B-12-045</u>	ALLOCATION.
(16) <u>WAC 132B-12-048</u>	INTERPRETATION OF SPECIFICATIONS.
(17) <u>WAC 132B-12-051</u>	USE IN ALLOCATION.
(18) <u>WAC 132B-12-054</u>	USE IN EXAMINATION.

(19) <u>WAC 132B-12-057</u> QUALIFICATIONS.	STATEMENT OF GENERAL AUTHORITY.	(78) <u>WAC 132B-12-234</u> REDUCTION IN FORCE—
(20) <u>WAC 132B-12-060</u>	USE OF CLASS TITLES.	(79) <u>WAC 132B-12-237</u> LAYOFF.
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(26) <u>WAC 132B-12-078</u>	REST PERIODS.	(85) <u>WAC 132B-12-255</u> WHO MAY APPEAL.
(27) <u>WAC 132B-12-081</u>	HOLIDAYS.	(86) <u>WAC 132B-12-258</u> PROCEDURES FOR HEARING
(28) <u>WAC 132B-12-084</u>	ANNUAL LEAVE.	APPEALS.
(29) <u>WAC 132B-12-087</u>	SICK LEAVE.	(87) <u>WAC 132B-12-261</u> REEMPLOYMENT LIST—REIN-
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(59) <u>WAC 132B-12-177</u> TRANSFER—DURATION.	REMOVAL OF NAMES FROM ELI-	HOURS—COMPENSATION—AUTHORIZATION.
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(62) <u>WAC 132B-12-186</u>	REQUEST FOR EMPLOYEES.	(111) <u>WAC 132B-12-333</u> OUTSIDE EMPLOYMENT.
(63) <u>WAC 132B-12-189</u>	METHOD OF CERTIFICATION.	(112) <u>WAC 132B-12-336</u> EMPLOYMENT OF MORE THAN
(64) <u>WAC 132B-12-192</u>	RANKED LISTS.	ONE MEMBER OF A FAMILY.
(65) <u>WAC 132B-12-195</u>	RELATED LISTS.	(113) <u>WAC 132B-12-339</u> FALSE STATEMENTS—FRAUD.
(66) <u>WAC 132B-12-198</u>	SELECTION.	(114) <u>WAC 132B-12-342</u> BRIBERY.
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(69) <u>WAC 132B-12-207</u> APPOINTMENTS.	TRANSFER.	(117) <u>WAC 132B-12-351</u> DISCRIMINATION.
(70) <u>WAC 132B-12-210</u>	DEMOTION.	(118) <u>WAC 132B-12-354</u> PERSONNEL RECORDS.
(71) <u>WAC 132B-12-213</u>	PURPOSE.	(119) <u>WAC 132B-12-357</u> ROSTER.
(72) <u>WAC 132B-12-216</u>	DURATION.	(120) <u>WAC 132B-12-360</u> REPORTS TO THE PERSONNEL
(73) <u>WAC 132B-12-219</u>	REMOVAL DURING PROBATION-	DIRECTOR.
(74) <u>WAC 132B-12-222</u>	ARY PERIOD.	(121) <u>WAC 132B-12-363</u> PUBLIC RECORDS.
(75) <u>WAC 132B-12-225</u>	DEMOTION DURING PROBA-	
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(77) <u>WAC 132B-12-231</u>		

WSR 81-04-006
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Forest Fire Advisory Board)
 [Memorandum—January 19, 1981]

The next meeting of the Forest Fire Advisory Board has been scheduled for Wednesday, March 11, 1981. It will begin at 9:30 a.m., in room 301 of the Public Lands Building on the Capital Campus in Olympia.

The tentative agenda will be as follows:

Introductions and orientation of new members
 Elect new chairman
 Legislation update
 Landowner account status
 Suppression funding and supplemental budget
 Other topics as needed

If you have any questions or have any subjects you feel should be discussed at the meeting, please let me know.

WSR 81-04-007
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Order PL 370—Filed January 27, 1981]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-120-100, 308-120-185, 308-120-410, 308-120-420 and 308-120-509, adopting WAC 308-120-161, 308-120-162, 308-120-163, 308-120-164, 308-120-165, 308-120-166 and 308-120-168 and repealing WAC 308-120-160.

This action is taken pursuant to Notice Nos. WSR 80-14-078 and 80-17-034 filed with the code reviser on October 1, 1980 and November 17, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 24, 1981.

By Thelma Cleveland, R.N.
 Chairman

AMENDATORY SECTION (Order PL 339, filed 3/27/80)

WAC 308-120-100 DEFINITIONS. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses((f)).((f)) Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Initial approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

((f7))((7)) "Extended Learning Sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

((f8))((8)) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

((f9))((9)) "Nursing student" is a person currently enrolled in an approved school of nursing.

((f10))((10)) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of ((professional)) registered nursing.

(a) "Direction((, control)) and supervision" – the nursing aide may function only under the "direction((, control)) and supervision" of the licensed ((professional)) registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he ((should never)) shall not perform duties or functions beyond her/his educational ((and professional)) nursing preparation, as determined by the school in which she/he is enrolled. Supervision((,)) and direction ((and control)) shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational ((and professional)) preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities – employer, school of nursing, and nursing aide":

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) School of nursing. It is the responsibility of the ((nursing)) school of nursing to furnish the prospective employer of the nursing aide with written evidence of ((this)) the student's educational ((and professional)) preparation. Evidence of ((this)) the student's educational ((and professional)) preparation should include

types of patients for whom she/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he is prepared to do.

(iii) Nursing aide. It is the responsibility of the nursing aide((f,)) to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-210 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, co-ordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88-280" – the terms "direction and supervision", "auxiliary services", and "minor nursing services" are defined as follows:

(a) "Minor nursing services". The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

AMENDATORY SECTION (Order PL 339, filed 3/27/80)

WAC 308-120-509 RESOURCES, FACILITIES AND SERVICES FOR APPROVED SCHOOLS OF NURSING. (1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Offices shall have adequate space for clerical staff, records, files and other equipment.

(3) Extended learning sites:

(a) A variety of sites may be utilized for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, ((and)) public health departments, and nursing homes.

(b) Extended learning sites shall provide learning experiences of sufficient number and variety for student achievement of the course/curriculum objectives.

(c) Written agreement shall be maintained between the school and the extended learning sites. Such agreement shall be reviewed periodically and shall state the responsibilities and privileges of each party, which shall include a termination clause.

(d) Extended learning sites shall be approved by the board for their educational use.

(4) Library facilities shall be provided for use by the faculty and students. Physical arrangement, usefulness, scope and currency of books, periodicals, and hours shall be appropriate for the purpose of the school and the number of faculty and students.

(5) Secretarial and support services shall be adequate to meet the needs of the nursing ((program)) school.

NEW SECTION

WAC 308-120-161

QUALIFICATION/ELIGIBILITY TO WRITE THE LICENSING EXAMINATION: (1) Graduates from Washington State board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements are met.

NEW SECTION

WAC 308-120-162 FILING OF APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the division of professional licensing.

(3) Applicants who have filed the required application and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

NEW SECTION

WAC 308-120-163 LICENSING EXAMINATION. (1) The official registered nurse licensing examination shall be the current series of the State Board Test Pool Examination for registered nurse licensure.

(2) The minimum passing score is a standard score of 350 for each one of the five tests included in the examination, up to and including the February 1982 examination.

(3) As of July 1982, there will be four two-hour tests with a minimum passing standards score of 1600 for the total examination.

(4) Examinations shall be conducted twice a year, in February and July.

(5) The annual contract with the testing services for the use of the State Board Test Pool Examination shall be negotiated by the executive secretary or the chairman of the board.

(6) The examination shall be administered in accord with the National Council of State Boards of Nursing, Inc., security measures and contract.

NEW SECTION

WAC 308-120-164 RELEASE OF RESULTS OF EXAMINATION. (1) Candidates shall be notified regarding the examination by mail only.

(2) Candidates who pass shall receive the results of the examination and a license to practice as a registered nurse.

(3) Candidates who fail shall receive the results of the examination and a letter of notification regarding their eligibility to rewrite.

(4) Each school of nursing in Washington shall receive a statistical report of the test results of candidates from that school.

(5) Results or scores of the examination will not be released to anyone except as provided above unless release is otherwise authorized by the candidate in writing.

(6) The candidate's examination results will be maintained in his/her application file in the Division of Professional Licensing, Department of Licensing.

NEW SECTION

WAC 308-120-165 FAILURES—REPEAT EXAMINATION. (1) The application form to rewrite the examination and fee when required shall be filed with the board on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who fail any test(s) will be permitted to rewrite any failed test three (3) times within the two-year period from the date of first writing until February 1, 1982. After February 1, 1982, all candidates who fail the examination will be required to rewrite the entire examination.

(3) If a candidate fails the first examination taken, no additional fee will be required, provided that the candidate appears for and takes the next scheduled examination. Candidates shall pay the required examination fee for any subsequent examination taken.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination.

NEW SECTION

WAC 308-120-166 APPLICANTS PREVIOUSLY LICENSED IN A FOREIGN COUNTRY. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the U. S. jurisdictions shall have passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the state board test pool examination for registered nurse licensure: PROVIDED, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) Submit a completed notarized application with nonrefundable fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Request the licensing agency in the country of original license to submit evidence of licensure.

(d) Submit a notarized copy of the certificate issued by the CGFNS.

(e) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that state board or the CGFNS to send notarized copies in lieu of the originals.

NEW SECTION

WAC 308-120-168 LICENSURE BY INTER-STATE ENDORSEMENT. (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent

to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953 shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953 but before June 1, 1982 shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982 shall have passed with a minimum standard score of 1600 for the total examination.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(d) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(c) The applicant shall submit to the board:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the U.S. jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(d) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board.

AMENDATORY SECTION (Order PL 288, filed 5/2/78)

WAC 308-120-185 RETURN TO ACTIVE STATUS FROM TEMPORARY RETIREMENT. After January 1, 1974, persons on nonpracticing status for three years or more who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, ((the individual shall take an examination approved by the board. Upon passage of this examination,)) the individual's license shall be returned to active status. Nonpracticing means the individual has

been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction.

AMENDATORY SECTION (Order PL 310, filed 8/17/79)

WAC 308-120-410 APPLICATION REQUIREMENTS FOR CRN PRESCRIPTIVE AUTHORITY. A registered nurse applicant for authority to prescribe drugs shall:

(1) be currently recognized as a certified registered nurse in Washington and shall not be in violation of the provision of RCW 18.88.230;

(2) have been engaged in clinical practice for a total of one year, either as a requirement of the board-approved national certification, or practice subsequent to CRN recognition by the board;

(3) provide evidence of completion of thirty contact hours of education in pharmacology and clinical management of drug therapy related to the applicant's scope of practice and which are:

(a) obtained within a four-year time period immediately prior to the date of application for prescriptive authority

(i) at least eight contact hours shall be obtained in the year immediately prior to the date of application;

(b) derived from the following:

(i) study within the CRN certification program;

(ii) study other than (i) above approved by the board; and

(c) submitted on forms provided by the board; and

(4) submit a completed, notarized application on a form provided by the board accompanied by a specified nonrefundable fee.

AMENDATORY SECTION (Order PL 310, filed 8/17/79)

WAC 308-120-420 AUTHORIZED PRESCRIPTIONS BY THE CRN. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall specify the ((diagnosis of the patient)) indication for use and shall be signed by the prescriber with the initials "CRN" and the prescriber identification number assigned by the board with reference to specific CRN practice areas as follows:

anesthesia	-10
midwifery	-20
adult health	-30
community health	-40
family health	-50
gerontology	-60
maternal-gynecological-neonatal	-70
medical/surgical	-80
pediatrics	-90
psychiatric/mental health	-100
occupational health	-110
neuro-surgical nursing	-120

(3) Prescriptions for controlled substances in schedules I through IV are statutorily prohibited by RCW 18.88.280(16). Controlled substances in Schedule V shall not be prescribed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-120-160 **LICENSURE QUALIFICATIONS AND REQUIREMENTS—EXAMINATIONS.**

**WSR 81-04-008
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-156, Cause No. TC-1421—Filed January 28, 1981]

In the matter of amending WAC 480-30-120(2), relating to classification of common and contract carriers for purposes of accounting and reporting.

This action is taken pursuant to Notice No. WSR 81-01-074 filed with the Code Reviser on December 17, 1980. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.68.030 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 81-01-074 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, January 28, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to January 23, 1981. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, January 28, 1980[January 28, 1981], in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the January 28, 1981, meeting the Commission considered the amendment of WAC 480-30-120(2). No written or oral comments opposing the amendment were received.

The amendment to WAC 480-30-120(2) affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-30-120(2) should be amended to read as set forth in Appendix A attached hereto and by this reference made a part hereof. WAC 480-30-120(2) as amended will conform as to Class I auto transportation companies with the Interstate Commerce Commission's classification for purposes of accounting and reporting. The Class II and III auto transportation

company classifications are being revised to accommodate those companies which file annual reports with the Washington Utilities and Transportation Commission as well as the Interstate Commerce Commission. The revision will also apportion the companies on a more equitable basis between the three classes.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-30-120(2), as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 28th day of January, 1981.

Washington Utilities And Transportation Commission

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

Appendix A**AMENDATORY SECTION (Amending Order R-80, filed 3/24/76)**

WAC 480-30-120 UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS. (1) The Uniform System of Accounts prescribed by the Interstate Commerce Commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I Auto Transportation Companies in the State of Washington, operating under chapter 81.68 RCW. A Uniform System of Accounts is hereby adopted and prescribed for the use of Class II and Class III Auto Transportation Companies in the State of Washington. Said Uniform System of Accounts is entitled "Uniform System of Accounts for Class II Auto Transportation Companies Operating Under Certificates of Public Convenience and Necessity and Appendix 'A' Uniform System of Accounts for Class III Auto Transportation Companies, Effective January 1, 1961".

(2) The various Auto Transportation Companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

Class	I.	Those having average annual gross operating revenue of <u>(((\$200,000)) \$3,000,000 or over.</u>
Class	II.	Those having average annual gross operating revenue of <u>(((\$50,000)) \$200,000 or more but less than (((\$200,000)) \$3,000,000.</u>
Class	III.	Those having average annual gross operating revenue less than <u>(((\$50,000)) \$200,000.</u>

(3) Each Auto Transportation Company must secure from the commission a copy of the "Uniform System of Accounts" adopted by subsection (1) hereof, applicable

to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) hereof may be compiled in accordance therewith.

(4) At the close of each calendar year every Auto Transportation Company must secure from the commission two copies of the form of Annual Report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "Uniform System of Accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the Annual Report required by subsection (4) must be filed immediately covering the period from the first of the year to the date on which the Auto Transportation Company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, Annual Report shall be rendered covering that portion of the calendar year during which the Auto Transportation Company operated and shall show on the face thereof the exact period covered thereby.

(6) Each Auto Transportation Company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

WSR 81-04-009

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-160, Cause No. U-80-105—Filed January 28, 1981]

In the matter of adopting chapter 480-105 WAC, relating to electric companies.

This action is taken pursuant to Notice No. WSR 80-18-021, filed with the Code Reviser on November 26, 1980. These rules hereinafter adopted shall take effect on a permanent basis pursuant to RCW 34.04.040(2).

These rules are being promulgated pursuant to RCW 80.04.160, and are intended to administratively implement the provisions of that chapter. In addition, this rule-making action is necessary pursuant to the provisions of section 210(f) of the federal Public Utility Regulatory Policies[Policies] Act of 1978 (PURPA), Public Law 95-617.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 80-18-021, a public hearing in the above matter was held beginning at 9:30 a.m., Tuesday, January 13, 1981, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington. In addition, under the terms of said notice, interested persons were afforded the opportunity to submit written data, views, or arguments to the Commission prior to January 7, 1981. Both the written and verbal comments submitted pursuant to the notice have been given consideration by the Commission.

Pursuant to Notice No. WSR 80-18-021, final action on adoption of these rules was scheduled for 8:00 a.m. Wednesday, January 28, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. The matter was heard before Commissioners Robert C. Bailey, and A. J. Benedetti.

The adoption of chapter 480-105 WAC is intended to foster more efficient utilization of the region's resources in producing electric power, to mitigate the strain on the region's power resources, and to enable the electric utilities to provide electricity to their customers at the lowest possible rates.

In reviewing the entire record herein, it has been determined that chapter 480-105 WAC should be adopted to read as set forth in Appendix A, attached hereto and made a part hereof by reference. In general, chapter 480-105 WAC governs the terms and conditions under which regulated electric companies shall interconnect with electric co-generation and small power production facilities and purchase and supply power to those facilities. As to individual sections, WAC 480-105-001 sets out the purpose of the chapter. The specific application of the rules in this chapter is described in WAC 480-105-005. The definition of terms as used in this chapter are set out in WAC 480-105-010. The obligations of qualifying facilities which desire to interconnect with electric companies are set out in WAC 480-105-020. WAC 480-105-030 requires each electric utility to provide on a regular basis certain cost data by which payments to qualifying facilities for purchased power may be computed. WAC 480-105-040 sets out the obligations of electric utilities to interconnected qualifying facilities. The general requirements for the rates for purchases of power from qualifying facilities, and the manner in which those rates are to be calculated, are set out in WAC 480-105-050. The required provisions for rates for sale of power to qualifying facilities by electric utilities are specified in WAC 480-105-060. WAC 480-105-070 requires the qualifying facilities to pay for interconnection costs as described in that section. Finally, WAC 480-105-080 sets out the responsibilities of an electric utility in a condition of system emergency.

ORDER

WHEREFORE, IT IS ORDERED That chapter 480-105 WAC be adopted, as set forth in Appendix A, as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 28th day of January, 1981.

Washington Utilities And Transportation Commission
Robert C. Bailey, Commissioner
A.J. Benedetti, Commissioner
Appendix A

Chapter 480-105 WAC
ELECTRIC COMPANIES—INTERCONNECTION
WITH ELECTRIC COGENERATION AND
SMALL POWER PRODUCTION FACILITIES

WAC

480-105-001	Purpose.
480-105-005	Application of rules.
480-105-010	Definitions.
480-105-020	Obligations of qualifying facilities to electric utility.
480-105-030	Availability of electric utility system cost data.
480-105-040	Obligations of electric utility to qualifying facilities.
480-105-050	Rates for purchases.
480-105-060	Rates for sales.
480-105-070	Interconnection costs.
480-105-080	System emergencies.

NEW SECTION

WAC 480-105-001 PURPOSE. The purpose of this chapter is to implement regulations regarding arrangements between electric utilities and qualifying co-generation and small power production facilities as provided under section 210 of the federal Public Utility Regulatory Policies Act of 1978 (PURPA), Public Law 95-617.

NEW SECTION

WAC 480-105-005 APPLICATION OF RULES.
(1) These rules shall apply to any interconnection arrangement between an electric utility regulated by the commission and facilities which are qualifying facilities as defined herein. Provisions of these rules shall not supersede existing contracts. At the expiration of any existing contract between an electric utility and a cogenerator or small power producer, any contract extension or new contract shall comply with these rules.

(2) Nothing in these rules relieves the utility from carrying out its responsibilities as described in Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) or in the rules promulgated pursuant to said act.

(3) Nothing in these rules limits the authority of an electric utility or a qualifying facility to agree to a rate for any purchase, or terms or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be provided by these rules, provided such rates do not burden other ratepayers.

(4) In the event of an impasse in negotiations between an electric utility and a qualifying facility, either party may request a determination by the commission of the matter at issue.

NEW SECTION

WAC 480-105-010 DEFINITIONS. (1) "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, the utility would generate itself or purchase from another source.

(2) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the facility.

(3) "Capacity" means the capability to deliver energy, measured in kilowatts (Kw).

(4) "Capacity costs" means the costs associated with supplying capacity; they are an allocated component of the fixed costs associated with providing the capability to deliver energy.

(5) "Cogeneration" means the sequential generation of electric energy and useful heat from the same primary energy source or fuel for industrial, commercial, heating, or cooling purposes.

(6) "Cogeneration facility" means a facility which produces electric energy, and steam or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy. An electric utility is not a cogeneration facility for the purposes of this chapter.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Costs of interconnection" means the reasonable costs of connection, switching, dispatching, metering, transmission, distribution, equipment necessary for system protection, safety provisions and administrative costs incurred by an electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent that such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(9) "Demand" means the average rate in kilowatts at which electric energy is delivered during a set period of time, to be determined by mutual agreement between the utility and the customer.

(10) "Electric utility" means any public service company as defined by RCW 80.04.010 engaged in the generation, distribution, sale or furnishing of electricity and which is subject to the jurisdiction of the commission.

(11) "Energy" means electric energy, measured in kilowatt hours (kWh).

(12) "Energy costs" means: (a) for the short term, the incremental costs associated with the production or purchase of electric energy by the utility, which costs include the cost of fuel and variable operation and maintenance expenses, or the cost of purchased energy; and (b) for the long term, the combined allocated fixed costs and associated variable costs applicable to a displaced generating unit or to a purchase.

(13) "Interruptible power" means electric energy or capacity supplied by an electric utility to a qualifying facility subject to interruption by the electric utility under certain specified conditions.

(14) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a qualifying facility.

(15) "Primary energy source" means the fuel or fuels used for the generation of electric energy, not including minimum amounts of fuel required for ignition, start-up, testing, flame stabilization, and control uses, nor minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages and emergencies that directly affect the public health, safety, or welfare, which would result from electric power outages.

(16) "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(17) "Qualifying facility" means a cogeneration facility or a small power production facility as defined by these rules.

(18) "Rate" means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

(19) "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(20) "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof. Only small power production facilities which, together with any other facilities located at the same site (as determined by the Federal Energy Regulatory Commission), have power production capacities of 80 megawatts or less, are covered by these rules. An electric utility is not a small power production facility for the purposes of this chapter.

(21) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by

a qualifying facility in addition to that which the facility generates itself.

(22) "System emergency" means a condition on an electric utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

NEW SECTION

WAC 480-105-020 OBLIGATIONS OF QUALIFYING FACILITIES TO ELECTRIC UTILITY. The conditions listed in this section shall apply to all qualifying facilities to be served by an electric utility under this chapter.

(1) The owner or operator of a qualifying facility purchasing or selling electricity pursuant to these rules shall execute a written agreement with the electric utility.

(2) In order to ensure system safety and reliability of interconnected operations, all interconnected qualifying facilities shall be constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

(3) The qualifying facility shall furnish, install, operate, and maintain in good order and repair and without cost to the electric utility such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shown by the utility to be reasonably necessary for the operation of the qualifying facility in parallel with the electric utility's system.

(4) Switching equipment capable of isolating the qualifying facility from the electric utility's system shall be accessible to the utility at all times.

(5) At its option, the electric utility may choose to operate the switching equipment described in (3) above if, in the sole opinion of the utility, continued operation of the customer's qualifying facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification pursuant to WAC 480-105-080. The utility shall endeavor to minimize any adverse effects of such operation on the customer.

(6) Any agreement between a qualifying facility and an electric utility shall provide for the degree to which the qualifying facility will assume responsibility for the safe operation of the interconnection facilities. No qualifying facility may be required to assume responsibility for negligent acts of the utility.

NEW SECTION

WAC 480-105-030 AVAILABILITY OF ELECTRIC UTILITY SYSTEM COST DATA. (1) Each electric utility shall provide sufficient data concerning the utility's avoided costs and costs of interconnection in order to allow the owner or operator of a qualifying facility to estimate, with reasonable accuracy, the payment it could receive from the utility if the qualifying facility went into operation under any of the purchase agreements provided for in these rules.

(2) To make available data from which avoided costs may be derived, not later than May 31, 1982, and not less often than annually thereafter, each electric utility

shall provide to the commission for its review, and shall maintain for public inspection, the following data:

(a) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for expected levels of purchases from qualifying facilities. Such levels of purchases shall be stated in blocks of not more than one hundred megawatts for systems with peak demand of one thousand megawatts or more and in blocks equivalent to not more than ten percent of the system peak demand for systems of less than one thousand megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during peak and off-peak periods, by year, for the current calendar year and each of the next five years;

(b) The electric utility's plan for the addition of capacity by amount and type, for purchases of firm energy and capacity, and for capacity retirements for each year during the succeeding ten years; and

(c) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt, and the associated energy costs of each addition or purchase, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating resources and of individual planned firm purchases. The necessity of differentiating between costs of individual units of a resource shall be at the discretion of the utility.

(d) Nothing herein shall preclude the determination of avoided costs (i) as the average avoided costs over an appropriate period of time or (ii) to reflect variations in avoided costs because of changes in streamflows, generating unit availability, loads, or other conditions.

(e) If any electric utility fails to provide on request the information required herein, the qualifying facility may apply to the commission for an order requiring that the information be provided.

(3) State review:

(a) Any data submitted by an electric utility under this section shall be subject to review by the commission.

(b) In any such review, the electric utility has the burden of coming forward with justification for its data.

NEW SECTION

WAC 480-105-040 OBLIGATIONS OF ELECTRIC UTILITY TO QUALIFYING FACILITIES. (1) Obligation to purchase from qualifying facilities:

Each electric utility shall purchase, in accordance with WAC 480-105-050, any energy and capacity which is made available from a qualifying facility:

(a) Directly to the electric utility; or

(b) Indirectly to the electric utility in accordance with subsection (4) of this section.

(2) Obligation to sell to qualifying facilities: Each electric utility shall sell to any qualifying facility, in accordance with WAC 480-105-060, any energy and capacity requested by the qualifying facility on the same basis as available to other customers of the utility in the same class.

(3) Obligation to interconnect:

(a) Subject to subsection (3)(b) of this section, any electric utility shall make such interconnections with any qualifying facility as may be necessary to accomplish

purCHASES or sales under this chapter. The obligation to pay for any interconnection costs shall be determined in accordance with WAC 480-105-070.

(b) No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.

(4) Transmission to other electric utilities. At the request of a qualifying facility, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may, at the option of the utilities involved, transmit energy or capacity to any other electric utility. The rate paid to a qualifying facility by the electric utility to which such energy or capacity is transmitted shall be adjusted up or down to reflect line losses pursuant to WAC 480-105-050(6)(d) and shall not include any charges for transmission. Nothing contained herein shall be construed to obligate the electric utility connected with the qualifying facility to transmit to other utilities or to obligate such other utilities to purchase from the qualifying facility.

(5) Parallel operation: Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with WAC 480-105-020.

NEW SECTION

WAC 480-105-050 RATES FOR PURCHASES.

(1) Rates for purchases shall:

(a) Be just and reasonable to the electric consumer of the electric utility and in the public interest; and

(b) Not discriminate against qualifying cogeneration and small power production facilities.

(2) Nothing in this chapter requires any electric utility to pay more than the avoided costs for purchases.

(3) Relationship to avoided costs:

(a) A rate for purchases satisfies the requirements of subsection (1) of this section if the rate equals the avoided costs determined after consideration of the factors set forth in subsection (6) of this section.

(b) Rates for purchases shall be in accordance with subsection (3)(a) of this section, regardless of whether the electric utility making such purchases is simultaneously making sales to the qualifying facility.

(c) In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, such rates do not violate this chapter if they differ from avoided costs at the time of delivery.

(4) Standard rates for purchases:

(a) Each electric utility shall put into effect standard rates for purchases from qualifying facilities with a design capacity of one hundred kilowatts or less.

(b) The standard rates for purchases under subsection (4)(a) of this section:

(i) Shall be consistent with subsections (1) and (6) of this section; and

(ii) May differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.

(5) Purchases "as available" or pursuant to a legally enforceable obligation. Each qualifying facility shall have the option either:

(a) To provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided energy costs calculated at the time of delivery; or

(b) To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for such purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on either:

(i) The avoided costs calculated at the time of delivery; or

(ii) The avoided costs projected to apply over the life of the obligation as calculated at the time the obligation is incurred.

(6) Factors affecting rates for purchases: In determining avoided costs the following factors shall, to the extent practicable, be taken into account:

(a) The data provided pursuant to WAC 480-105-030(2), including commission review of any such data;

(b) The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

(i) The ability of the utility to dispatch output of the qualifying facility;

(ii) The expected or demonstrated reliability of the qualifying facility;

(iii) The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for noncompliance;

(iv) The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

(v) The usefulness of energy and capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

(vi) The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

(vii) The smaller capacity increments and the shorter lead times available, if any, with additions of capacity from qualifying facilities.

(c) The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph (6)(b) of this section, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

(d) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of energy or capacity.

NEW SECTION

WAC 480-105-060 RATES FOR SALES. (1)

General rules:

(a) Shall be just and reasonable and in the public interest; and

(b) Shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility.

(2) Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facility to the extent that such rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request of a qualifying facility, each electric utility shall provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(b) The commission may waive any requirement of subsection (3)(a) of this section if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the electric utility.

(4) The rate for sale of back-up power or maintenance power:

(a) Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(b) Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

NEW SECTION

WAC 480-105-070 INTERCONNECTION

COSTS. (1) Obligation to pay: Any costs of interconnection shall be the responsibility of the owner or operator of the qualifying facility. Interconnection costs which may be reasonably incurred by the utility shall be assessed against a qualifying facility on a nondiscriminatory basis with respect to other customers with similar load characteristics.

(2) Reimbursement of interconnection costs: The electric utility shall be reimbursed by the qualifying facility for any reasonable interconnection costs the utility may incur. Such reimbursement may be over an agreed period of time, but not greater than the length of any contract between the utility and the qualifying facility.

NEW SECTION**WAC 480-105-080 SYSTEM EMERGENCIES.**

(1) Qualifying facility obligation to provide power during system emergencies: A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(a) Provided by agreement between such qualifying facility and electric utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) Discontinuance of purchases and sales during system emergencies:

(a) During any system emergency, an electric utility may discontinue or curtail:

(i) Purchases from a qualifying facility if such purchases would contribute to such emergency; and

(ii) Sales to a qualifying facility, provided that such discontinuance or curtailment does not discriminate against a qualifying facility, and takes into account the degree to which purchases from the qualifying facility would offset the need to discontinue or curtail sales to the qualifying facility.

(b) System emergencies resulting in utility action under these rules are subject to verification by the commission if either party requests such verification.

WSR 81-04-011**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 76, Resolution 85—Filed January 28, 1981]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, 5th Floor, Olympia, WA, that it does promulgate and adopt the annexed rules relating to novelty advertising, amending WAC 314-52-080.

This action is taken pursuant to Notice No. WSR 81-01-035 filed with the code reviser on December 10, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 28, 1981.

By Leroy M. Hittle
Chairman

WSR 81-04-010
ATTORNEY GENERAL OPINION
Cite as: AGLO 1981 No. 2
[January 27, 1981]

LICENSES—INTOXICATING LIQUOR—MINORS—MARRIAGE OF TAVERN OPERATOR TO PERSON UNDER TWENTY-ONE

(1) A tavern operator holding appropriate state liquor licenses who is, himself, over twenty-one years of age may not be denied the continuation or reissuance of those licenses by the State Liquor Control Board solely on the ground that he is married to a female who is under twenty-one.

(2) Under those circumstances, however, the wife—if employed as the tavern bookkeeper—would be unable to legally enter the tavern premises in the course of her employment.

Requested by:

Honorable Richard A. King
St. Rep., 38th District
408 Legislative Building
Olympia, Washington 98504

AMENDATORY SECTION (Amending Order 73, filed 7/18/80)

WAC 314-52-080 NOVELTY ADVERTISING.

(1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, lamp shades, program folders, program cards, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide without charge, directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept without charge any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A ((nonliquor)) manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee. The purchase by retail licensees of such items shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

(4) A manufacturer, importer, or wholesaler who sells novelty advertising items to retail licensees shall keep on file the originals or copies of all sales slips, invoices, and

other memoranda covering all purchases of novelty advertising items from the supplier or manufacturer of such items and shall also keep on file a copy of all invoices, sales slips, or memoranda reflecting the sales to licensees or other disbursement of all novelty advertising items. Such records shall be maintained in a manner satisfactory to the board and must be preserved in the office of the manufacturer, importer, or wholesaler for a period of at least two years after each purchase or sale. Any manufacturer which does not maintain a principal office within the state shall, when requested, furnish the above required records at a designated location within the state for review by the board.

**WSR 81-04-012
PROPOSED RULES
BOARD OF HEALTH**

[Filed January 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health, intends to adopt, amend, or repeal rules concerning:

Rep WAC 248-22-060 Housing requirements for patients.
Rep WAC 248-22-070 Therapy.
Rep WAC 248-22-080 Restraint.
Rep WAC 248-22-090 Records;

that such agency will at 9:00 a.m., Wednesday, March 11, 1981, in the Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 11, 1981, in the Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1981, and/or orally at 9:00 a.m., Wednesday, March 11, 1981, Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia.

Dated: January 27, 1981
By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Repeal WAC 248-22-060 Housing requirements for patients.

Repeal WAC 248-22-070 Therapy.

Repeal WAC 248-22-080 Restraint.

Repeal WAC 248-22-090 Records.

The purpose of the rule change is to repeal duplicative and overlapping regulations.

Statutory authority: RCW 43.20.050.

Summary of the rule change: This is a "housekeeping" repeal of WAC 248-22-060 through 248-22-090. These sections duplicate and overlap regulations adopted by the State Board of Health on November 26, 1980, for licensing regulations for private psychiatric and alcoholism hospitals. Person responsible for the drafting, implementation and enforcement of the rules:

Name: Jean Ullom

Title: Institutional Nursing Consultant

Office: Licensing and Development Section, Health Services Division, DSHS

Mail Stop: LM-13

Phone: 753-5824

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 248-22-060	HOUSING REQUIREMENTS FOR PATIENTS. (CONSTRUCTION, FLOOR SPACE, LIGHTING, VENTILATION).
(2) WAC 248-22-070	THERAPY.
(3) WAC 248-22-080	RESTRAINT.
(4) WAC 248-22-090	RECORDS.

**WSR 81-04-013
PROPOSED RULES
BOARD OF HEALTH**

[Filed January 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health, intends to adopt, amend, or repeal rules concerning certificate of need, amending chapter 248-19 WAC;

that such agency will at 9:00 a.m., Wednesday, March 11, 1981, in the Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 11, 1981, in the Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 70.38.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1981, and/or orally at 9:00 a.m., Wednesday, March 11, 1981, Auditorium, Office Building 2, DSHS Headquarters, 12th and Franklin, Olympia.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-15-094, 80-18-041, 81-01-075 and 81-03-039 filed with the code reviser's

office on October 22, 1980, December 3, 1980, December 17, 1980 and January 15, 1981.

Dated: January 26, 1981
By: John A. Beare, MD
Secretary

WSR 81-04-014
ADOPTED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Order 5A—Filed January 29, 1981]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to certification of instructors, repealing WAC 139-24-010.

This action is taken pursuant to Notice No. WSR 80-15-099 filed with the code reviser on October 22, 1981[October 22, 1980]. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission as authorized in RCW 43.101.080(8).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED December 18, 1980.
By James C. Scott
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 139-24-010 CERTIFICATION OF INSTRUCTORS.

WSR 81-04-015
ADOPTED RULES
URBAN ARTERIAL BOARD
[Order 81-01, Resolution 666, 667 and 668—Filed January 29, 1981]

Be it resolved by the Urban Arterial Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 479-20-033 Procedure for requesting an increase in authorized amount of urban arterial trust funds.

Amd WAC 479-16-080 Rates of development of functional classes or urban arterials.

Amd WAC 479-16-070 Standards for functional classification or urban arterials.

This action is taken pursuant to Notice No. WSR 80-18-045 filed with the code reviser on 12/3/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Urban Arterial Board as authorized in chapter 47.26 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 15, 1981.

By Robert A. Plaquet
Executive Secretary

AMENDATORY SECTION (Amending Order 79-01, Resolution 596, 597, 598, filed 8/1/79)

WAC 479-20-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. Participation of urban arterial trust funds in urban arterial projects may be approved by the urban arterial board in amounts requested in the current separate section of the local government's six year construction program.

These amounts may be modified only as set forth in WAC 479-20-036.

An updated cost estimate on the project shall be submitted to the urban arterial board at the following stages of project development:

(1) At the time the project prospectus for preliminary engineering (phase 1) is submitted further defining the work to be accomplished which was outlined in the six year construction program;

(2) At any time during the preliminary engineering or right of way phase of the project when estimated total project cost is determined to exceed the amount authorized by the urban arterial board more than twenty-five percent, or \$75,000, whichever is the lesser;

(3) At the time the engineer's final estimates become available and the construction prospectus is submitted to the urban arterial board for approval;

(4) At the time contract bids are considered but prior to award of contract;

(5) At the time of contract completion but prior to final settlement on the project between the local government and the urban arterial board.

The submitting local government may request increased participation by urban arterial trust funds above the amount submitted in the agency's current six year construction program or the amount originally authorized by the board, as applicable, at ((each of the five specified stages)) the first, third and fifth stages in the project's development. All such requests shall be evaluated by the board in accordance with board rules.

AMENDATORY SECTION (Amending Order 457, filed 9/16/77)

WAC 479-16-070 STANDARDS FOR FUNCTIONAL CLASSIFICATION OF URBAN ARTERIALS. All roads and streets of each county and city lying within or having within its boundaries a federal urban area shall be divided by the county or city into arterial roads or streets and access roads or streets. Arterial roads or streets shall be established and subdivided into three functional classes to be known as ((major)) principal arterials, ((secondary)) minor arterials, and collector arterials in accordance with uniform standards established by the Urban Arterial Board ((pursuant to the Administrative Procedure Act)) in compliance with the federal classification system. Incorporated cities lying outside federal designated urban areas are not required to divide their roads and streets by functional class.

All new roads or streets within federal urban areas that are under construction, have right of way acquired, or are definitely programmed for funding and construction shall be evaluated and functionally classified. New roads or streets planned for in regional comprehensive land use studies, and which represent the participation and joint planning efforts of all levels of government, shall be considered to approach a committed status and may be functionally classified. Projected routes to meet future transportation requirements may be designated and functionally classified when:

(1) such routes are included in the transportation study relating to the comprehensive land use studies in regions where such plans exist;

(2) such routes are included in the comprehensive plan of the local agency of jurisdiction, have been reviewed by adjacent or other affected agencies, and are integrated with routes contained in the comprehensive plans of adjacent agencies.

All roads or streets within federal urban areas not classified as ((major)) principal arterials, ((secondary)) minor arterials, or collector arterials shall be identified as access roads or streets.

Each request ((to the Urban Arterial Board for changes in)) that would change, add to or delete from the previously approved functionally classified arterial system shall be submitted to the district state aid engineer for processing through the department of transportation, planning division. The request shall also be accompanied by information indicating that the request has been reviewed and approved by the legislative body. A copy of the request shall be submitted to the urban arterial board for information purposes only.

All urban arterials within federal urban areas shall be functionally classified on the basis of type and volume of traffic accommodated by the road or street, hereafter referred to as street, and by the street's relative social and economic importance. Each street's traffic type is to be evaluated in terms of its local or through traffic carrying characteristics. The higher the proportion of through traffic carried by a given street, the higher it should normally be functionally classified.

To assist in identifying through traffic carrying characteristics of streets, aerial photographs should be evaluated to identify the hierarchy of traffic generators and traffic generating areas in each urban area. These traffic generators shall be considered to be the most important factor in determining the magnitude of through traffic and shall include, but shall not be limited to, business districts, industrial plants, shopping centers, schools, churches, parks and airports.

Transportation study data, traffic flow maps, master plans and other background data should also be considered, to the extent it is available, in identifying traffic generators.

Examples of other factors that may be considered in determining the proportion of through traffic carried by a street, in addition to actual field interviews, include street designation as "by-pass routes", "truck routes" or high proportions of vehicles bearing out-of-state license plates.

The composition of traffic should also be considered in evaluating the through traffic carrying characteristics of streets. Bus transit routes often follow important arterial streets with only the extreme outward ends of bus routes normally making use of nonarterial streets. Similarly, any street which carries a significant number of truck trips is apt to be performing some level of arterial function insofar as such trips reflect a nearby traffic generator of significant economic importance.

Average daily traffic volume on streets shall be evaluated to determine the use currently being given to the street. Traffic volumes, in conjunction with the analysis of through versus local traffic, may be considered to be one of the most important single criterion determining the functional class of urban arterials. However, traffic volumes on streets shall also be considered in relation to the principle of concentrating major traffic flows on a selected system of arterials rather than permitting through traffic to diffuse through many parallel streets designed to a lesser level with resulting increased congestion and accident hazards.

Counties and cities within federal urban areas shall develop urban arterial classification plans so as to integrate with important adjacent rural and state highways. Each city or county preparing a functional classification plan shall coordinate its classifications with those of adjacent units of government to ensure smooth progression from one system to another regardless of trip length, purpose or other qualification. This necessary coordination may sometimes result in an urban arterial designation not otherwise justified.

Special consideration shall be given to streets connecting with freeway and expressway interchanges. Such interchanges should normally carry at least a collector arterial designation in recognition of the fact that:

(1) land development comes quickly at interchange areas and traffic volumes tend to grow more rapidly than in other areas.

(2) providing adequate on and off ramp facilities makes better utilization of the limited access facility avoiding back-ups at more "popular" ramps.

Off-set arterial intersections shall be avoided to the maximum extent possible to alleviate the need for additional signing, traffic signals and difficult turning movements for drivers.

Frontage roads serving as an integral part of a limited access facility and which serve a number of large, abutting trip generators should normally be considered to be not more than a secondary arterial. Those frontage roads with medium to high traffic volumes without significant abutting land use service would have collector arterial status while low traffic frontage roads without significant abutting land use service would have no arterial status.

"Relief valve" arterials of several blocks duration, often providing a crude kind of downtown by-pass, should not be designated directly parallel to an actual arterial street which is severely congested. Such designation tends to perpetuate the congestion on the actual arterial street by discouraging improvements thereon. If there is no way of improving the congested arterial street, one way operation of the facility should be considered to create a properly planned and engineered couplet. The two streets comprising such a couplet would be considered a single functional route for classification purposes. Such couplets would normally be required only for ((major)) principal or ((secondary)) minor arterials and both streets comprising the couplet would be considered to be of the same functional class.

Streets considered to be arterial in nature when evaluated in accordance with the above standards and instructions shall be further evaluated to determine their appropriate functional classification. This evaluation shall consider the following standards and instructions for ((major)) principal, ((secondary)) minor and collector arterials.

((MAJOR)) PRINCIPAL ARTERIALS. TRAFFIC SERVICE PROVIDED. ((Major)) Principal arterials provide for movement across and between large subparts of an urban region and serve predominately "through" trips with minimum direct service to abutting land uses.

GROUPING OF TRAFFIC GENERATORS. ((Major)) Principal arterial service is required by medium-to-large central business districts, most municipal airports, large shopping centers, large colleges and universities, large industrial plants, major governmental centers, large hospitals, important secondary business districts, major rail and seaport terminals and similar land uses which comprise the top layer of the hierarchy of trip generators.

SPACING. ((Major)) Principal arterials will seldom be closer than one mile apart in even the most densely developed urban regions. In practice, it is expected that for most federal urban areas in Washington, spacing of ((major)) principal arterials will be wider. Moreover, spacing will vary within any given federal urban area with ((major)) principal arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. ((Major)) Principal arterials shall form a closed, interconnected system linking together major traffic generators in federal urban areas.

Stub end arterials are not normally classified as ((major)) principal arterials.

((SECONDARY)) MINOR ARTERIALS. TRAFFIC SERVICE PROVIDED. ((Secondary)) Minor arterials provide for movement within the large subparts prescribed by ((major)) principal arterials. ((Secondary)) Minor arterials may also serve "through traffic" but provide very much more direct service to abutting land uses than do ((major)) principal arterials.

GROUPING OF TRAFFIC GENERATORS. ((Secondary)) Minor arterial service is required by small central business districts and traffic generators as listed above for ((major)) principal arterials except that such generators will be smaller, plus high schools and some grade schools, strip commercial development, parks, and low-use intensity recreational areas, warehousing areas, and similar land uses which comprise the middle layer of the trip generator hierarchy.

SPACING. ((Secondary)) Minor arterial streets will seldom be closer than one-half mile from another ((secondary)) minor, or ((major)) principal, arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with ((secondary)) minor arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. ((Secondary)) Minor arterials shall, wherever possible, be long, continuous streets with direct rather than meandering alignments.

COLLECTOR ARTERIALS. TRAFFIC SERVICE PROVIDED. Collector arterials provide for movement within the smaller areas, which are often definable neighborhoods, and may be bounded by higher class arterials. Collector arterials serve very little "through" traffic, but serve a high proportion of local traffic requiring direct access to abutting land uses.

GROUPING OF TRAFFIC GENERATORS. Collector arterial service is required for the majority of the nonresidential land uses which generate measurably important traffic volumes and which are not served by ((major)) principal or ((secondary)) minor arterials.

SPACING. Collector arterials will seldom be closer than one-fourth mile from any other arterial street. In practice, it is expected that for most federal urban areas in the state of Washington, the spacing of arterial streets will be wider. Moreover, spacing will vary within any given federal urban area with collector arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary.

ROUTE CONTINUITY. Collector arterials need not be particularly long or continuous since this would tend to attract through trips in unduly high proportions.

When the classification is complete, arterials classified and designated and local streets identified, it is recommended that each city or county tabulate its street mileage by functional class. These tabulations should be compared with the following recommended tabulations for street mileage by system and vehicle miles traveled

by system to serve as a general internal review procedure.

TEST FACTOR	FEDERAL URBAN AREA POPULATION		
	Under 50,000	50,000 to 500,000	Over 500,000
Street Mileage by System			
((Major)) Principal Streets	12-15%	10-12%	8-10%
((Secondary)) Minor Streets	10-12	8-10	7-9
Collector Streets	10-12	8-10	7-9
Local Streets	68-61	74-68	78-72
Total	100-100%	100-100%	100-100%
Vehicle Miles Traveled by System			
((Major)) Principal Streets	30-40%	40-50%	50-60%
((Secondary)) Minor Streets	10-15	10-15	10-15
Collector Streets	5-10	5-10	5-10
Local Streets	55-35	45-25	35-15
Total	100-100%	100-100%	100-100%

Upon receipt of the classification plans from the cities and counties, the Urban Arterial Board will tabulate total street mileage by system and vehicle miles traveled by system for all of the cities and counties. This information will be used by the board as a guide in its approval of arterial classifications and mileages.

AMENDATORY SECTION (Amending Order 457, filed 9/16/77)

WAC 479-16-080 RATES OF DEVELOPMENT OF FUNCTIONAL CLASSES OF URBAN ARTERIALS. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials on a percentage basis as set forth below: PROVIDED, That the distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded((:));

(1) Funds obligated prior to July 1, 1981, Puget Sound Region, major arterials 65%, secondary arterials 17%, collector arterials 18%; Northwest Region, major arterials 43%, secondary arterials 36%, collector arterials 21%; Northeast Region, major arterials 62%, secondary arterials 23%, collector arterials 15%; Southeast Region, major arterials 49%, secondary arterials 33%, collector arterials 18%; Southwest Region, major arterials 30%, secondary arterials 35%, collector arterials 35%.

(2) Funds obligated subsequent to July 1, 1981, Puget Sound Region, principal arterials 50%, minor arterials 30%, collector arterials 20%; Northwest Region, principal arterials 40%, minor arterials 30%, collector arterials 30%; Northeast Region, principal arterials 59%, minor arterials 24%, collector arterials 17%; Southeast Region, principal arterials 56%, minor arterials 27%, collector arterials 17%; Southwest Region, principal arterials 37%, minor arterials 37%, collector arterials 26%.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

WSR 81-04-016

ADOPTED RULES

URBAN ARTERIAL BOARD

[Order 81-02, Resolution 669—Filed January 29, 1981]

Be it resolved by the Urban Arterial Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to standards for arterials in rural incorporated areas, adopting WAC 479-16-072.

This action is taken pursuant to Notice No. WSR 80-18-046 filed with the code reviser on December 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Urban Arterial Board as authorized in chapter 47.26 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 15, 1981.

By Robert A. Plaquet
Executive Secretary

NEW SECTION

WAC 479-16-072 STANDARDS FOR ARTERIALS IN RURAL INCORPORATED AREAS. Incorporated areas outside federally designated urban areas shall be required to identify their streets as either arterials or local access. An arterial shall be defined by at least one of the following standards:

- (1) Serve as the logical extension of a county arterial into the corporate boundary; or
- (2) Serve as a route connecting local generators such as schools, medical facilities, social centers, recreational areas, commercial centers, or industrial sites within the corporate boundary; or
- (3) Act as a by-pass or truck route to relieve the central core area.

Streets failing to qualify under these standards for arterials will not be considered to be eligible for UATF participation.

WSR 81-04-017

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 122—Filed January 29, 1981]

Be it resolved by the undersigned, Jack S. Wayland, Acting Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of the Nooksack River, Elwha River, Sekiu River, and Marine Areas 7B and 9A to the taking of steelhead trout by treaty Indians, WAC 232-32-131.

I, Jack S. Wayland, Acting Director, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-131 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen pursuant to the reporting system approved by the United States District Court in United States v. Washington, and information from the Lummi, Nooksack, and Point No Point tribes indicates that the treaty share of harvestable steelhead for the Nooksack River, Elwha River, Sekiu River, and Marine Areas 7B and 9A has been reached or will have been reached on the effective date of this order. Therefore a closure of the Nooksack River, Elwha River, Sekiu River, and Marine Areas 7B and 9A is necessary to assure non-treaty sports fishermen their right to take their share of those remaining steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 29, 1981.
Jack S. Wayland

NEW SECTION

WAC 232-32-131 CLOSURE OF THE NOOKSACK RIVER, ELWHA RIVER, SEKIU RIVER, AND MARINE AREAS 7B AND 9A TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. It shall be unlawful for all persons to take, fish for, or possess steelhead trout with gill nets and seine gear in the Nooksack River, Elwha River, Sekiu River, and Marine Areas 7B and 9A: effective 6:00 p.m. Friday, January 30, 1981.

WSR 81-04-018

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 159—Filed January 29, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-28-703, 1981 Early Hunting Seasons and Fall Opening Dates.

This action is taken pursuant to Notice No. WSR 80-17-042 filed with the Code Reviser on November 19, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 5, 1981.

by Jack S. Wayland
Interim Director

NEW SECTION

WAC 232-28-703 1981 EARLY HUNTING SEASONS AND FALL OPENING DATES.

Reviser's Note: The text comprising the 1981 Early Hunting Seasons and Fall Opening Dates adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the adopted rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-702 1980 SPRING AND SUMMER HUNTING SEASONS

WSR 81-04-019

ATTORNEY GENERAL OPINION

Cite as: AGO 1981 No. 1

[January 28, 1981]

MOTOR VEHICLES—INTOXICATING LIQUOR—HOSPITALS—BLOOD TEST—LIABILITY FOR IMPOSITION OF BLOOD TEST

(1) The immunity from civil liability which is granted by RCW 46.61.508 to hospitals and their personnel administering blood tests in accordance with RCW 46.20.308 (implied consent) is not dependent upon the ultimate lawfulness of the accused person's arrest or a later court determination that the arresting officer had reasonable grounds to believe that the accused had been driving or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor.

(2) The question of possible civil liability by the arresting agency under such circumstances is not dependent upon RCW 46.61.508, and the possibility of liability on the basis of a hospital's negligence in administering the blood test would be dependent upon ordinary principles of tort law as between the plaintiff driver and the defendant county or other arresting agency.

Requested by:

Honorable Arthur D. Curtis
Prosecuting Attorney
Clark County
P.O. Box 5000
Vancouver, WA 98668

**WSR 81-04-020
PROPOSED RULES
CHIROPRACTIC DISCIPLINARY BOARD**
[Filed January 29, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning Scope of practice—Revocation or suspension of license authorized for practice outside scope, new section WAC 113-12-200.

At the hearing, testimony will be received from each of the three major chiropractic associations. If time remains after their presentation, testimony will be received from members of the public;

that such agency will at 10:30 a.m., Wednesday, February 25, 1981, in the Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, February 25, 1981, in the Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.26.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 25, 1981, and/or orally at 10:30 a.m., Wednesday, February 25, 1981, Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-16-046 and 81-01-066

filed with the code reviser's office on November 4, 1980 and December 16, 1980.

Dated: January 28, 1981
By: Sydney W. Beckett
Administrative Assistant

**WSR 81-04-021
EMERGENCY RULES
PUBLIC DISCLOSURE COMMISSION**
[Order 80-09—Filed January 29, 1981]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to Agency lobbying—Report of lobbying by independent contractors, adopting WAC 390-20-054.

We, the members of the Public Disclosure Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is several recent requests from agencies for an interpretation of the reporting requirements when retaining individuals or firms on personal services contracts for lobbying necessitated a response. The commission elected to issue its interpretation in a rule of general applicability. Because the legislature is in session and contracts are being arranged, there was need for the emergency adoption.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 27, 1981.

By Graham E. Johnson
Administrator

NEW SECTION

WAC 390-20-054 AGENCY LOBBYING—REPORTING OF LOBBYING BY INDEPENDENT CONTRACTORS. (1) An independent contractor who is retained to lobby on behalf of an agency shall register and report as a lobbyist pursuant to RCW 42.17.150 and 42.17.170.

(2) An agency which retains an independent contractor as a lobbyist and reports all of its expenditures in connection therewith pursuant to RCW 42.17.190 shall

not be obligated to file a report pursuant to RCW 42-17.180 with regard to that lobbyist.

**WSR 81-04-022
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed January 30, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems, intends to adopt, amend, or repeal rules concerning continued membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) by members serving in state elective positions;

that such agency will at 9:00 a.m., Tuesday, March 10, 1981, in the Conference Room, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, March 10, 1981, in the Conference Room, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.50.050(6) and 41.50.090(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 6, 1981, and/or orally at 9:00 a.m., Tuesday, March 10, 1981, Conference Room, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504.

Dated: January 30, 1981
By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The purpose of this rule is to provide for the orderly and logical implementation of the provisions of RCW 41.40.010(9)(b) insofar as it confers certain rights to LEOFF members who serve in state elective positions, since the cited statute is silent as to the manner of implementation.

The rule provides an administrative mechanism to give effect to provisions of RCW 41.40.010(9)(b) as it relates to LEOFF members. The rule addresses issues not specifically covered by the statute including: crediting of service, contributions on elective compensation, and the basis for death, disability, and medical benefits.

The reason these rules are necessary is to provide a uniform and logical implementation of the provisions of RCW 41.40.010(9)(b) as it pertains to law enforcement officers and firefighters since the

statute is silent as to the manner of its implementation.

These rules were drafted by Dr. Robert L. Hollister, Jr., Director of the Department of Retirement Systems, who is also responsible for the implementation and enforcement of these rules. The director's office address and office telephone number is 1025 East Union, Olympia, Washington 98504, (206) 753-5281 or (SCAN) 234-5281.

These rules were not proposed by a private person or organization, but were made necessary by the election of a LEOFF member to state elective office.

SERVICE IN STATE ELECTIVE POSITIONS

NEW SECTION

WAC 415-104-800 CONTINUED LEOFF MEMBERSHIP FOR MEMBERS IN STATE ELECTIVE POSITIONS. RCW 41.40.010(9)(b) provides in part as follows: "Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system."

An individual covered by RCW 41.40.010(9)(b) in order to remain an active member of the retirement system provided by chapter 41.26 RCW and receive service credit therein for elective service must execute a written election to do so in a format provided by the Department.

NEW SECTION

WAC 415-104-810 CONTRIBUTIONS AND SERVICE CREDIT FOR MEMBERS IN STATE ELECTIVE POSITIONS. When an individual makes the election provided in WAC 415-104-800 the following shall apply:

(1) Service credit earned by virtue of elective service shall be credited in LEOFF together with service earned in LEOFF capacity except that no more than one month's service credit shall be allowed during any one calendar month.

(2) Contributions shall be paid on all basic salary earned either as a law enforcement officer or firefighter, or as an elected official, by the employee at the rate prescribed for employees in the LEOFF retirement system.

(3) Contributions shall be paid on basic salary paid by the LEOFF employer or elected official employer at the rate prescribed for employers in the LEOFF retirement system.

NEW SECTION

WAC 415-104-820 MEMBERS IN STATE ELECTIVE POSITIONS - ENTITLEMENT TO BENEFITS. (1) In the event an individual who has made the election provided by WAC 415-104-800 qualifies and applies for a service or disability retirement or dies while serving in elective office, the basis for establishing the benefit amount shall be an imputed salary equal to the full salary the member would have been receiving according to the member's rank or position if the member had been in full-time service with the member's last LEOFF employer. Regular increases in basic salary will be included but increases based on promotions which might have occurred but which, in fact, did not occur shall not be considered.

(2) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a service retirement until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(3) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a disability retirement allowance until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(4) All payments for disability leave or for medical benefits for an individual who has made the election provided by WAC 415-104-800 shall be made by the individual's last LEOFF employer rather than his or her elective service employer.

WSR 81-04-023
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Filed January 30, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning suspended operation to limit use of procedure to hazardous/dangerous conditions and to modify the method of payment for individuals required to work during periods of suspended operations, amending WAC 251-22-240;

that such agency will at 10:00 a.m., Thursday, February 19, 1981, in the Lindholm Student Center, Green River Community College, Auburn, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, February 19, 1981, in the Lindholm Student Center, Green River Community College, Auburn, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 19, 1981, and/or orally at 10:00 a.m., Thursday, February 19, 1981, Lindholm Student Center, Green River Community College, Auburn, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-10-049, 80-14-032, 80-16-008 and 81-01-105, filed with the code reviser's office on 8/6/80, 9/29/80, 10/27/80 and 12/24/80.

Dated: January 30, 1981
 By: Douglas E. Sayan
 Director

WSR 81-04-024
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 81-02—Filed January 30, 1981]

I, Leon Flaherty, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington, the annexed rules relating to workers' compensation insurance rates, and dividend and retrospective rating plans applicable to both individual employers and employer groups qualifying under the terms of these rules for such plans, amending chapter 296-17 WAC.

This action is taken pursuant to Notice No. WSR 81-01-120 filed with the code reviser on December 24,

1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.

By Leon Flaherty
 Director

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Rates Effective
 January 1, 1981

Class	Accident Fund Base Rate	Medical Aid Fund Rate
1-1	.4392	.1985
1-2	.4241	.1923
1-3	.5207	.2688
1-4	.4365	.1899
1-5	.4054	.2082
1-6	.7381	.2806
1-7	.3614	.1633
1-8	.4182	.1890
1-9	.5610	.2501
2-1	.10791	.4841
2-2	.9518	.4063
3-1	.2087	.1458
3-2	.5890	.2116
3-6	.3028	.1805
3-7	.2287	.1447
4-1	.7750	.3387
4-2	.7750	.3387
4-3	.5617	.2826
5-2	.3953	.1759
5-3	.2193	.1783
5-4	.4822	.3021
5-5	.5136	.2935
5-8	.7532	.3373
6-1	.1803	.1261
6-2	.1848	.1277
6-3	.2836	.1545
6-4	.4939	.2745
6-6	.1157	.0865
6-7	.1342	.0740
7-1	.4541	.1604
8-3	.2026	.1109

Rates Effective
January 1, 1981

Class	Accident Fund Base Rate	Medical Aid Fund Rate
8-4	.3361	.2414
9-1	.8345	.2043
10-2	.7344	.3720
10-3	.2968	.1545
10-4	.7344	.3720
11-1	.3353	.1417
11-2	.3988	.2063
11-3	.1651	.1294
13-1	.1497	.1047
13-3	.0945	.0554
13-4	.0053	.0064
14-1	.2776	.1726
14-3	.1854	.0752
14-4	.1854	.0752
15-1	.1553	.0993
15-7	.1327	.0831
17-1	.7534	.3609
17-2	.7534	.3609
17-3	.3697	.1711
17-4	.1726	.1349
18-1	.3565	.1613
20-2	.1805	.1107
20-3	.1716	.1185
20-4	.2169	.1681
20-5	.1381	.1134
20-7	.1642	.1039
20-8	.1331	.0846
21-1	.1666	.1321
21-2	.1716	.1185
21-4	.1010	.0884
22-1	.1102	.0573
22-2	.1284	.0815
24-1	.2654	.1650
29-3	.2572	.1888
29-4	.3019	.1836
29-6	.2139	.1674
31-1	.2300	.1458
31-2	.2156	.1133
31-3	.2156	.1133
31-4	.2300	.1458
31-5	.4021	.1787
33-1	.2577	.1996
33-2	.2124	.1645
33-3	.1407	.1090
33-9	.1314	.1026
34-1	.1700	.1117
34-2	.2524	.1669
34-3	.0410	.0152
34-4	.1945	.1537
34-5	.0737	.0273
34-6	.0952	.0781
34-7	.1193	.0856
34-8	.0493	.0408
34-9	.0835	.0684
35-1	.1588	.1241

Rates Effective
January 1, 1981

Class	Accident Fund Base Rate	Medical Aid Fund Rate
35-3	.1159	.1009
35-6	.3705	.1644
35-8	.1671	.1644
36-1	.1945	.1537
36-2	.0435	.0418
36-3	.1846	.1360
36-4	.3758	.2088
36-5	.1268	.0913
36-6	.2240	.1863
37-1	.1056	.0816
37-2	.2154	.1329
37-3	.1056	.0816
37-7	.1188	.0747
37-8	.1005	.0665
38-1	.1005	.0665
38-2	.0685	.0526
38-3	.0685	.0526
38-4	.0685	.0526
38-5	.0685	.0526
38-6	.0685	.0526
38-8	.0703	.0540
38-9	.0685	.0526
39-1	.1702	.1036
39-2	.2794	.1542
39-3	.3582	.2559
39-4	.2794	.1542
39-5	.0619	.0605
39-6	.1700	.1035
40-2	.2662	.1226
41-1	.0436	.0428
41-2	.0435	.0418
41-3	.0771	.0579
41-4	.0436	.0428
41-5	.0436	.0428
41-6	.0435	.0418
41-7	.0329	.0282
41-8	.0436	.0428
41-9	.0436	.0428
42-1	.2815	.1925
43-1	.3500	.2711
43-2	.2855	.1801
43-3	.3177	.1783
43-4	.3387	.1960
43-5	.6017	.2742
44-1	.2124	.1016
44-4	.1716	.1185
45-1	.0580	.0426
45-2	.0252	.0146
45-3	.0740	.0460
45-4	.0291	.0294
46-1	.1421	.2126
48-2	.1053	.0584
48-3	.2062	.1606
48-4	.2057	.1307
48-5	.1174	.0784

Rates Effective
January 1, 1981Rates Effective
January 1, 1981

Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
48-6	.0248	.0218	63-5	.0214	.0241
48-7	.5136	.2935	63-6	.0720	.0715
48-8	.1506	.1085	63-8	.0213	.0110
48-9	.0800	.0534	63-9	.0360	.0420
49-1	.0333	.0265	64-2	.1078	.0690
49-2	.0777	.0446	64-3	.0597	.0488
49-3	.0333	.0265	64-4	.0210	.0182
49-4	.0074	.0048	64-5	.1644	.1213
49-5	.1206	.0846	64-6	.0306	.0318
49-6	.0243	.0180	64-7	.0591	.0609
49-7	.0513	.0309	64-8	.1538	.1125
49-8	.1133	.0619	64-9	.1624	.1136
49-9	.1133	.0619	65-1	.0183	.0136
50-1	1.5891	.6662	65-2	.0065	.0052
50-2	.1754	.1435	65-3	.0480	.0180
50-3	.6653	.2789	65-4	.0667	.0688
51-1	.2656	.1757	65-5	.0572	.0499
51-2	.5257	.3298	65-6	.0176	.0126
51-3	.4254	.2982	65-7	.1219	.0850
51-4	.2524	.1669	65-8	.0948	.0699
51-5	.2524	.1669	65-9	.0750	.0584
51-6	.2524	.1669	66-1	.0856	((.0772))
51-7	.2022	.1481			.0722
51-8	.2524	.1669	66-2	.1787	.0899
51-9	.1765	.1162	66-3	.0997	.0635
52-1	.1959	.1291	66-4	.0307	.0215
52-2	.2524	.1669	66-5	.0960	.0567
52-3	.2524	.1669	66-7	.0605	.0560
52-4	.4365	.1553	66-8	.1362	.0656
52-5	.2524	.1669	66-9	.4983	.4077
52-6	.1704	.1221	67-4	.0779	.0669
52-7	.0605	.0560	67-5	.2332	.2130
53-1	.0074	.0048	67-6	.1106	.0696
53-5	.0118	.0098	67-7	5.59*	10.78*
53-6	.0121	.0098	67-8	7.3995	2.9474
53-7	.0777	.0446	67-9	.0619	.0571
61-3	.0137	.0154	68-1	.3380	.1934
61-4	.1691	.0967	68-2	.2056	.1547
61-5	.0798	.0615	68-3	1.4168	.5342
61-7	.0661	.0499	68-4	.1172	.0770
61-8	.1533	.1164	68-9	.6156	1.0038
61-9	.0176	.0117	69-1	—	.0283
62-1	.0702	.0543	69-2	.4077	.1439
62-2	.2269	.1211	69-3	1.8982	.9894
62-3	.0522	.0339	69-4	.2856	.1548
62-4	.0631	.0526	69-5	.2856	.1548
62-5	.0631	.0526	69-6	—	.1548
62-6	.0631	.0526	69-7	.5055	.1933
62-7	.3294	.3747	69-8	.1594	.0748
62-8	.1372	.0838	69-9	.0437	.0337
62-9	.0752	.0847	71-1	.0304	.0199
63-1	.0779	.0325	71-2	5.59*	10.78*
63-2	.0842	.0445	71-3	.0777	.0446
63-3	.0304	.0199	71-4	.0112	.0087
63-4	.0465	.0366	71-5	.0902	.0842

Rates Effective
January 1, 1981

Class	Accident Fund Base Rate	Medical Aid Fund Rate
71-6	.1509	.1063
71-7	.2234	.1399
71-8	.5170	.2695
71-9	→ 1.5891	.6662
72-1	.0777	.0446
72-2	.0252	.0165

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

NEW SECTION

WAC 296-17-904 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-905 through 296-17-91902.

(1) "Coverage period" means the period beginning July 1 and ending June 30.

(2) "Group" means those members of an association who have elected to have a group dividend and/or retrospective premium calculated based on the combined premium and incurred loss data of the participants, and have satisfactorily complied with eligibility requirements for doing so.

(3) "Premium" means only that portion of the money collected from an employer for worker's compensation (not to include any money paid in penalties or security deposits), which is deposited in the accident fund.

(4) "Standard premium" for a particular coverage period means premium collected or due for insurance coverage provided during the period, prior to any adjustments under a dividend or retrospective rating plan.

(5) "Incurred losses" for a coverage period means the estimated ultimate cost to the accident fund of claims arising from incidents occurring during the coverage period, subject to the special evaluation methods prescribed in WAC 296-17-915.

(6) "Loss development factor" means an actuarially determined factor which is multiplied times individual case basis estimates of claim costs to produce incurred losses for a firm or group of firms during a coverage period. Loss development factors allow for reopenings, aggravations, and any other individually unpredictable contingencies which may affect claim costs based on past experience of the accident fund as a whole.

(7) "Loss ratio" means incurred losses divided by standard premium.

(8) "Dividend" is a partial refund of standard premium based on a firm's standard premium and loss ratio for the coverage period.

(9) "Retrospective premium" is a premium determined after a coverage period has ended, based on a firm's standard premium, incurred losses, and other pre-selected parameters for the coverage period.

(10) "Retrospective premium adjustment" is an additional assessment or refund of premium owing to an employer's retrospective premium as of a given evaluation date being more or less than the premium previously paid for the coverage period.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-905 DIVIDENDS. Periodically, the department shall determine the total liability existing against the accident fund. If, after such determination, the department finds the accident fund, aside from the reserves deemed actuarially necessary according to recognized insurance principles, contains a surplus, the director, in his discretion may declare a dividend to be paid to, or credited to the accounts of, employers who were insured with the department during all or part of the period for which the dividend is declared, according to a uniform formula to be promulgated by the department. Any dividends so declared shall give due consideration to the solvency of the accident fund, not be unfairly discriminatory, and not be promised in advance of such declaration. An employer in default when the dividend is declared shall not be eligible to receive payment as provided by this section but credit will be made towards reducing the employer's obligation to the department.

NEW SECTION

WAC 296-17-907 DIVIDEND DECLARATIONS AND DISTRIBUTIONS. Dividends, if any, will be declared approximately fifteen months after the conclusion of the coverage period with credit or payment made within sixty days of the calculation. No dividend checks will be written for less than ten dollars.

Adjustments to the dividend calculation due to clerical errors will be made if reported to the department within ninety days of the payments. No subsequent adjustments will be made.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR ((WORKMEN'S)) WORKERS' COMPENSATION INSURANCE. The department may insure the ((workmen's)) workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining ((workmen's)) workers' compensation coverage.

(3) The ((occupations)) business of the employers in the organization ((are)) is substantially similar, taking into consideration the nature of the ((services)) work being performed by ((workmen)) workers of such employers such that the group comprises substantially homogeneous risks.

(4) The employers in the group constitute at least fifty percent of the total eligible employers in such organization((, unless the total number of workmen to be covered in the group exceeds 500, in which event the employers in the group must constitute at least twenty-five percent of all employers in the organization)). No groups with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed \$500,000 during the coverage period.

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or ((premium discounts)) retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

NEW SECTION

WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:

(a) Application for Group Dividend Plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's Authorization for Release of Insurance Data and Group Membership Enrollment Application no later than July 1;

(c) Group Dividend Agreement no later than July 1.

(3) A dividend is declared under provisions of WAC 296-17-905.

Employers associated with the group at any time during the term of the Group Dividend Agreement will remain parties to the Group Dividend Agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the Group Dividend Agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on his own risk classification(s) and his individual experience rating.

Any premiums, penalties or assessments owing the department by any member of the group will be withheld from the group's dividend.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association according to the system for allocation described in the Group Dividend Agreement and agreed upon by the members in their membership enrollment application. Dividend allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the dividend to be retained by the association as expenses, etc. must be clearly defined in the agreement.

NEW SECTION

WAC 296-17-912 RETROSPECTIVE RATING PLAN. The department shall offer a retrospective rating plan to qualified employers. This plan shall be available on a voluntary basis for the period of one coverage period and may be renewed at the end of that year. The retrospective rating plan shall be consistent with recognized insurance principles and shall be administered according to rules, scales, tables, formulas, schedules and factors promulgated by the department.

NEW SECTION

WAC 296-17-913 QUALIFICATIONS FOR EMPLOYER PARTICIPATION IN A RETROSPECTIVE RATING PLAN. The department may enroll interested employers in a retrospective rating plan as a means of insuring their workers' compensation obligations provided the following conditions are met:

(1) The employer submits a satisfactorily completed Retrospective Rating Plan Agreement.

(2) The employer maintains an industrial insurance account in good standing with the department.

(3) The employer may be required to post a surety bond or other security deposit separate from the cash deposit required for establishing an industrial insurance account with the department. Such surety bond or security deposit would be sufficient to cover the difference between the employer's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Final determination as to the employer's eligibility under this section and financial ability to assume the responsibilities under the retrospective rating plan rests with the department subject to review under chapter 51-52 RCW.

NEW SECTION

WAC 296-17-914 RETROSPECTIVE RATING FORMULA. An employer who elects to have his premium adjusted under a retrospective rating plan must submit an application on a form provided by the department no later than April 30 for the coverage period beginning the following July 1. The employer must

preselect a "maximum premium ratio" from Plan A or Plan B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium = Basic Premium + (loss conversion factor x incurred losses)

In the above formula, the basic premium is the product of the basis premium ratio times the employer's standard premium. The basic premium ratio is taken from Plan A (WAC 296-17-91901) or Plan B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium ratio. The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio will be .089 if the firm selects and qualifies for an unlimited maximum premium.

NEW SECTION

WAC 296-17-915 EVALUATION OF INCURRED LOSSES DIVIDEND AND RETROSPECTIVE RATING PLANS. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be on and include December 31, six months immediately following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall have a valuation date of December 31, twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments consistent with evaluation methods applicable to experience rating as set forth in WAC 296-17-870, subsections (1) through (6). The incurred losses for each employer shall be determined by multiplying the individual claim cost estimates by loss development factors, and adding the resulting developed losses for all the employer's claims. The following special procedures will be used for making individual claim cost estimates:

Fatal Claims

Each fatal claim shall be assigned the "average death value", said value to be the average incurred cost for all fatal claims occurring during the coverage period.

Permanent Total Claims

Pension costs for permanent total injuries will be based on the annuity value at the time that the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Occupational Disease Claims

The cost of any occupational disease claim paid from the accident fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment. Each employer's share of the claim cost shall be assigned to the coverage period during which he last employed the claimant under conditions of injurious exposure.

NEW SECTION

WAC 296-17-916 RETROSPECTIVE PREMIUM ADJUSTMENTS—DUE AND PAYABLE. The initial retrospective premium adjustment will be calculated approximately fifteen months from the close of the coverage period and annually thereafter for a period of four years. Provided a request is made within ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Re-evaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments.

NEW SECTION

WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN. The department may enroll interested groups in the retrospective rating plan provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:

(a) Application for group retrospective rating plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's Authorization for Release of Insurance Data and Group Membership Enrollment Application by July 1;

(c) Group Retrospective Rating Plan Agreement by July 1.

(3) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department. The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the Group Retrospective Rating Plan Agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on his own risk classification(s) and his individual experience rating.

Employers associated with the group at any time during the term of the Group Retrospective Rating Plan

Agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association according to the system for allocation described in the Group Retrospective Rating Plan Agreement and agreed upon by the members in their membership enrollment application. Group Retrospective Rating Plan allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the retrospective premium adjustment to be retained by the association as expenses, etc. or any surcharge to the group member for expenses, etc. by the association over and above the portion of the retrospective premium adjustment to be collected from the group member must be clearly defined in the agreement.

Any premium, penalties or assessments owing the department by any employer in the group will be included in the group's retrospective premium adjustment.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-17-919 TABLE I.

RETROSPECTIVE RATING PLANS A and B STANDARD PREMIUM SIZE RANGES

Size Group Number		Standard Premium Range
84	\$	3,530 - \$ 3,959
83		3,960 - 4,259
82		4,260 - 4,569
81		4,570 - 4,909
80		4,910 - 5,279
79		5,280 - 5,659
78		5,660 - 6,079
77		6,080 - 6,539
76		6,540 - 7,019
75		7,020 - 7,539
74		7,540 - 8,099
73		8,100 - 8,699
72		8,700 - 9,339
71		9,340 - 9,999
70		10,000 - 10,799
69		10,800 - 11,599
68		11,600 - 12,399
67		12,400 - 13,399
66		13,400 - 14,299

Size Group Number	Standard Premium Range
65	14,300 - 15,399
64	15,400 - 16,499
63	16,500 - 17,699
62	17,800 - 19,099
61	19,100 - 20,499
60	20,500 - 21,999
59	22,000 - 23,599
58	23,600 - 25,399
57	25,400 - 27,299
56	27,300 - 29,299
55	29,300 - 31,499
54	31,500 - 33,799
53	33,800 - 36,299
52	36,300 - 38,999
51	39,000 - 41,899
50	41,900 - 44,999
49	45,000 - 48,299
48	48,300 - 51,899
47	51,900 - 55,699
46	55,700 - 59,899
45	59,900 - 64,499
44	64,500 - 69,399
43	69,400 - 74,599
42	74,600 - 80,299
41	80,300 - 86,399
40	86,400 - 92,899
39	92,900 - 99,999
38	100,000 - 107,999
37	108,000 - 115,999
36	116,000 - 124,999
35	125,000 - 133,999
34	134,000 - 143,999
33	144,000 - 154,999
32	155,000 - 166,999
31	167,000 - 179,999
30	180,000 - 192,999
29	193,000 - 207,999
28	208,000 - 223,999
27	224,000 - 239,999
26	240,000 - 258,999
25	259,000 - 277,999
24	278,000 - 298,999
23	299,000 - 321,999
22	322,000 - 346,999
21	347,000 - 372,999
20	373,000 - 400,999
19	401,000 - 431,999
18	432,000 - 463,999
17	464,000 - 499,999
16	500,000 - 537,999
15	538,000 - 687,999
14	688,000 - 948,999
13	949,000 - 1,377,999
12	1,378,000 - 1,839,999
11	1,840,000 - 2,325,999
10	2,326,000 - 2,841,999
9	2,842,000 - 3,552,999
8	3,553,000 - 4,567,999

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
7	4,568,000 – 6,064,999	3	20,920,000 – 41,109,999
6	6,065,000 – 8,474,999	2	41,110,000 – 113,899,999
5	8,475,000 – 12,659,999	1	113,900,000 & Over
4	12,660,000 – 20,919,999		

NEW SECTION

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .733

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														

84	.956	.945	.935	.926	.918	.911	.904	.899	.893	.887	.873	.862	.851	.827
83	.953	.943	.933	.921	.913	.906	.900	.892	.885	.879	.865	.852	.841	.816
82	.952	.939	.929	.918	.909	.901	.893	.886	.878	.871	.856	.842	.829	.805
81	.950	.937	.924	.914	.903	.896	.887	.879	.870	.862	.847	.832	.818	.794
80	.949	.934	.922	.909	.900	.890	.882	.872	.863	.854	.837	.822	.808	.782
79	.947	.930	.919	.906	.894	.884	.875	.864	.856	.846	.828	.812	.797	.771
78	.944	.928	.913	.900	.889	.879	.868	.859	.848	.837	.818	.800	.787	.760
77	.943	.925	.911	.896	.884	.872	.861	.851	.840	.828	.808	.790	.776	.749
76	.941	.921	.905	.892	.878	.868	.855	.843	.831	.819	.799	.780	.764	.738
75	.939	.918	.903	.888	.873	.861	.848	.835	.822	.810	.789	.770	.753	.727
74	.938	.916	.897	.882	.868	.854	.841	.826	.813	.800	.779	.759	.742	.716
73	.933	.911	.893	.875	.863	.847	.832	.818	.804	.790	.768	.749	.731	.705
72	.931	.908	.888	.872	.857	.841	.824	.810	.795	.781	.757	.736	.719	.694
71	.930	.903	.884	.865	.850	.834	.819	.800	.786	.771	.746	.725	.708	.682
70	.924	.900	.879	.862	.845	.826	.811	.792	.777	.761	.735	.714	.698	.671
69	.923	.897	.876	.855	.839	.819	.802	.783	.767	.751	.725	.703	.686	.660
68	.921	.892	.870	.852	.831	.811	.793	.773	.757	.741	.713	.691	.673	.649
67	.915	.889	.866	.845	.823	.805	.785	.764	.747	.729	.701	.680	.663	.637
66	.913	.882	.860	.838	.819	.797	.775	.755	.737	.719	.690	.668	.652	.626
65	.912	.880	.856	.834	.811	.789	.766	.745	.728	.708	.679	.658	.640	.616
64	.905	.874	.850	.826	.803	.780	.757	.735	.714	.698	.668	.645	.628	.605
63	.903	.866	.841	.816	.791	.765	.742	.723	.702	.686	.656	.634	.616	.590
62	.896	.862	.831	.802	.777	.753	.730	.708	.691	.672	.645	.623	.606	.578
61	.893	.852	.821	.791	.766	.741	.719	.697	.678	.661	.634	.612	.594	.564
60	.886	.844	.811	.780	.755	.728	.705	.683	.666	.650	.622	.599	.580	.550
59	.879	.836	.801	.770	.740	.716	.693	.672	.655	.637	.609	.587	.568	.534
58	.876	.827	.792	.757	.730	.705	.682	.661	.641	.626	.598	.575	.555	.521
57	.869	.819	.779	.746	.719	.691	.668	.650	.630	.615	.586	.562	.542	.505
56	.866	.810	.770	.737	.709	.681	.658	.637	.619	.601	.573	.550	.527	.490
55	.859	.801	.759	.727	.696	.670	.647	.626	.608	.590	.561	.535	.514	.476
54	.851	.792	.750	.717	.685	.660	.637	.615	.595	.579	.549	.524	.500	.461
53	.848	.783	.740	.706	.675	.646	.623	.601	.584	.567	.535	.509	.487	.445
52	.840	.774	.731	.692	.664	.636	.612	.590	.573	.554	.524	.496	.473	.432
51	.831	.765	.721	.682	.650	.625	.601	.579	.558	.542	.509	.484	.459	.417
50	.822	.756	.711	.672	.640	.614	.587	.565	.547	.528	.497	.470	.444	.403
49	.814	.746	.701	.661	.629	.600	.575	.554	.533	.516	.483	.457	.432	.389
48	.811	.737	.688	.651	.618	.589	.565	.542	.521	.504	.471	.442	.417	.375
47	.802	.728	.678	.637	.605	.577	.550	.528	.509	.490	.458	.430	.404	.361
46	.794	.719	.667	.626	.594	.564	.539	.516	.495	.478	.443	.415	.390	.349

Maximum
Premium
Ratio:

1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

Size
Group

45	.785	.708	.657	.616	.583	.553	.527	.504	.483	.463	.431	.402	.377	.334
44	.777	.699	.647	.606	.568	.541	.513	.490	.468	.451	.416	.388	.362	.322
43	.768	.689	.633	.591	.557	.526	.502	.478	.456	.436	.404	.375	.350	.309
42	.759	.680	.622	.580	.546	.514	.486	.463	.442	.423	.390	.361	.336	.296
41	.749	.670	.612	.569	.531	.500	.474	.451	.429	.409	.377	.349	.323	.284
40	.740	.655	.596	.555	.520	.488	.460	.436	.414	.397	.362	.334	.311	.271
39	.731	.645	.586	.543	.504	.473	.447	.424	.402	.382	.350	.322	.299	.260
38	.721	.635	.575	.527	.493	.461	.432	.409	.387	.370	.336	.311	.287	.250
37	.712	.618	.559	.515	.477	.445	.420	.397	.375	.355	.325	.298	.276	.240
36	.696	.607	.547	.500	.464	.433	.405	.381	.363	.343	.313	.287	.266	.230
35	.686	.591	.531	.487	.449	.418	.392	.370	.351	.332	.299	.276	.254	.221
34	.668	.580	.514	.472	.436	.405	.377	.355	.337	.318	.289	.266	.244	.213
33	.658	.563	.503	.455	.421	.390	.365	.343	.322	.307	.278	.254	.235	.205
32	.641	.545	.486	.442	.404	.377	.350	.328	.310	.295	.267	.243	.225	.196
31	.630	.534	.469	.426	.392	.361	.338	.316	.299	.281	.254	.233	.215	.188
30	.612	.517	.457	.410	.376	.350	.322	.304	.285	.269	.243	.223	.206	.180
29	.595	.500	.440	.397	.363	.334	.310	.289	.273	.258	.232	.213	.196	.172
28	.577	.483	.423	.381	.348	.319	.295	.278	.258	.245	.222	.203	.187	.166
27	.566	.471	.411	.364	.331	.306	.283	.263	.248	.233	.209	.193	.178	.158
26	.549	.454	.394	.352	.319	.290	.268	.250	.236	.222	.199	.182	.169	.151
25	.539	.443	.378	.336	.303	.278	.256	.237	.221	.208	.188	.173	.161	.144
24	.523	.426	.366	.319	.290	.262	.240	.224	.209	.197	.178	.163	.152	.136
23	.514	.415	.349	.306	.274	.246	.227	.212	.198	.186	.168	.154	.144	.130
22	.512	.400	.332	.289	.258	.233	.213	.197	.185	.174	.158	.145	.136	.124
21	.503	.388	.319	.272	.241	.217	.201	.186	.174	.164	.149	.138	.130	.118
20	.484	.363	.302	.259	.228	.207	.189	.176	.166	.155	.143	.133	.125	.115
19	.466	.345	.284	.243	.213	.195	.177	.165	.156	.148	.135	.127	.121	.113
18	.441	.327	.266	.226	.201	.180	.166	.156	.147	.141	.130	.123	.117	.109
17	.421	.308	.248	.210	.186	.169	.156	.145	.139	.133	.124	.117	.113	.106
16	.394	.289	.231	.197	.174	.158	.146	.137	.131	.125	.118	.113	.109	.104
15	.367	.269	.213	.181	.162	.145	.136	.128	.122	.118	.112	.107	.104	.101
14	.340	.245	.200	.169	.148	.135	.126	.120	.115	.112	.106	.103	.101	.098
13	.320	.226	.183	.155	.137	.125	.117	.112	.107	.104	.101	.098	.097	.094
12	.286	.207	.166	.142	.126	.115	.108	.104	.100	.098	.095	.094	.093	.092
11	.266	.189	.150	.127	.114	.105	.099	.095	.093	.091	.090	.089	.089	.089
10	.238	.171	.138	.118	.108	.100	.095	.093	.091	.090	.089	.089	.089	.089
9	.212	.154	.127	.110	.102	.096	.093	.091	.090	.090	.089	.089	.089	.089
8	.192	.141	.117	.104	.096	.094	.091	.090	.089	.089	.089	.089	.089	.089
7	.167	.125	.108	.098	.094	.091	.090	.089	.089	.089	.089	.089	.089	.089
6	.148	.115	.101	.094	.091	.089	.089	.089	.089	.089	.089	.089	.089	.089
5	.130	.104	.094	.091	.090	.089	.089	.089	.089	.089	.089	.089	.089	.089
4	.114	.096	.091	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089
3	.102	.091	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089
2	.093	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089
1	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089	.089

NEW SECTIONWAC 296-17-91902 TABLE III.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size															
Group															
84	Basic Premium Ratio	.999	.997	.996	.995	.993	.992	.991	.990	.988	.987	.984	.982	.979	.974
	Loss Conversion Factor	.001	.003	.004	.005	.007	.008	.009	.010	.012	.013	.016	.018	.021	.026
83	Basic Premium Ratio	.999	.997	.996	.994	.993	.992	.990	.989	.988	.986	.983	.981	.978	.972
	Loss Conversion Factor	.001	.003	.004	.006	.007	.008	.010	.011	.012	.014	.017	.019	.022	.028
82	Basic Premium Ratio	.999	.997	.996	.994	.993	.991	.990	.988	.987	.985	.982	.979	.976	.970
	Loss Conversion Factor	.001	.003	.004	.006	.007	.009	.010	.012	.013	.015	.018	.021	.024	.030
81	Basic Premium Ratio	.998	.997	.995	.994	.992	.991	.989	.987	.986	.984	.981	.978	.975	.968
	Loss Conversion Factor	.002	.003	.005	.006	.008	.009	.009	.011	.013	.014	.016	.019	.022	.025
80	Basic Premium Ratio	.998	.997	.995	.993	.991	.990	.988	.986	.985	.983	.980	.976	.973	.966
	Loss Conversion Factor	.002	.003	.005	.007	.009	.010	.012	.014	.015	.017	.020	.024	.027	.034
79	Basic Premium Ratio	.998	.996	.994	.993	.991	.989	.987	.985	.983	.982	.978	.974	.970	.963
	Loss Conversion Factor	.002	.004	.006	.007	.009	.011	.013	.015	.017	.018	.022	.026	.030	.037
78	Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.976	.972	.968	.960
	Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.024	.028	.032	.040
77	Basic Premium Ratio	.998	.996	.993	.991	.989	.987	.985	.982	.980	.978	.973	.969	.965	.956
	Loss Conversion Factor	.002	.004	.007	.009	.011	.013	.015	.018	.020	.022	.027	.031	.035	.044
76	Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.979	.976	.971	.967	.962	.952
	Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.021	.024	.029	.033	.038	.048
75	Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.950
	Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.050
74	Basic Premium Ratio	.997	.995	.992	.990	.987	.984	.982	.979	.977	.974	.969	.964	.958	.948
	Loss Conversion Factor	.003	.005	.008	.010	.013	.016	.018	.021	.023	.026	.031	.036	.042	.052
73	Basic Premium Ratio	.997	.995	.992	.989	.986	.984	.981	.978	.975	.973	.967	.962	.956	.945
	Loss Conversion Factor	.003	.005	.008	.011	.014	.016	.019	.022	.025	.027	.033	.038	.044	.055
72	Basic Premium Ratio	.997	.994	.991	.989	.986	.983	.980	.977	.974	.971	.966	.960	.954	.943
	Loss Conversion Factor	.003	.006	.009	.011	.014	.017	.020	.023	.026	.029	.034	.040	.046	.057
71	Basic Premium Ratio	.997	.994	.988	.988	.985	.982	.979	.976	.973	.970	.964	.958	.952	.940
	Loss Conversion Factor	.003	.006	.012	.012	.015	.018	.021	.024	.027	.030	.036	.042	.048	.060
70	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.974	.971	.968	.962	.955	.949	.936
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.026	.029	.032	.038	.045	.051	.064
69	Basic Premium Ratio	.997	.993	.990	.986	.983	.980	.976	.973	.970	.966	.959	.953	.946	.932
	Loss Conversion Factor	.003	.007	.010	.014	.017	.020	.024	.027	.030	.034	.041	.047	.054	.068
68	Basic Premium Ratio	.996	.993	.989	.986	.982	.978	.975	.971	.968	.964	.957	.950	.942	.928
	Loss Conversion Factor	.004	.007	.011	.014	.018	.022	.025	.029	.032	.036	.043	.050	.058	.072
67	Basic Premium Ratio	.996	.992	.988	.985	.981	.977	.973	.969	.965	.961	.954	.946	.938	.923
	Loss Conversion Factor	.004	.008	.012	.015	.019	.023	.027	.031	.035	.039	.046	.054	.062	.077
66	Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
	Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
65	Basic Premium Ratio	.996	.991	.987	.982	.978	.973	.969	.964	.960	.955	.946	.937	.929	.911
	Loss Conversion Factor	.004	.009	.013	.018	.022	.027	.031	.036	.040	.045	.054	.063	.071	.089

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
64	Basic Premium Ratio	.995	.990	.985	.981	.976	.971	.966	.961	.956	.951	.942	.932	.922	.903
	Loss Conversion Factor	.005	.010	.015	.019	.024	.029	.034	.039	.044	.049	.058	.068	.078	.097
63	Basic Premium Ratio	.995	.989	.984	.979	.973	.968	.963	.957	.952	.947	.936	.925	.915	.893
	Loss Conversion Factor	.005	.011	.016	.021	.027	.032	.037	.043	.048	.053	.064	.075	.085	.107
62	Basic Premium Ratio	.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883
	Loss Conversion Factor	.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117
61	Basic Premium Ratio	.993	.987	.980	.974	.967	.961	.954	.948	.941	.934	.921	.908	.895	.869
	Loss Conversion Factor	.007	.013	.020	.026	.033	.039	.046	.052	.059	.066	.079	.092	.105	.131
60	Basic Premium Ratio	.993	.985	.978	.970	.963	.956	.948	.941	.933	.926	.911	.896	.882	.852
	Loss Conversion Factor	.007	.015	.022	.030	.037	.044	.052	.059	.067	.074	.089	.104	.118	.148
59	Basic Premium Ratio	.991	.983	.974	.966	.957	.949	.940	.932	.923	.915	.898	.880	.863	.829
	Loss Conversion Factor	.009	.017	.026	.034	.043	.051	.060	.068	.077	.085	.102	.120	.137	.171
58	Basic Premium Ratio	.990	.980	.970	.960	.950	.940	.929	.919	.909	.899	.879	.859	.839	.798
	Loss Conversion Factor	.010	.020	.030	.040	.050	.060	.071	.081	.091	.101	.121	.141	.161	.202
57	Basic Premium Ratio	.989	.978	.967	.956	.946	.935	.924	.913	.902	.891	.869	.847	.826	.782
	Loss Conversion Factor	.011	.022	.033	.044	.054	.065	.076	.087	.098	.109	.131	.153	.174	.218
56	Basic Premium Ratio	.988	.976	.965	.953	.941	.929	.918	.906	.894	.882	.859	.835	.812	.765
	Loss Conversion Factor	.012	.024	.035	.047	.059	.071	.082	.094	.106	.118	.141	.165	.188	.235
55	Basic Premium Ratio	.987	.975	.962	.950	.937	.924	.912	.899	.887	.874	.849	.824	.798	.748
	Loss Conversion Factor	.013	.025	.038	.050	.063	.076	.088	.101	.113	.126	.151	.176	.202	.252
54	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.892	.879	.866	.839	.812	.785	.731
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.108	.121	.134	.161	.188	.215	.269
53	Basic Premium Ratio	.985	.971	.956	.942	.927	.913	.898	.884	.869	.855	.826	.797	.768	.710
	Loss Conversion Factor	.015	.029	.044	.058	.073	.087	.102	.116	.131	.145	.174	.203	.232	.290
52	Basic Premium Ratio	.984	.969	.953	.937	.922	.906	.891	.875	.859	.844	.812	.781	.750	.687
	Loss Conversion Factor	.016	.031	.047	.063	.078	.094	.109	.125	.141	.156	.188	.219	.250	.313
51	Basic Premium Ratio	.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667
	Loss Conversion Factor	.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
50	Basic Premium Ratio	.982	.964	.946	.928	.910	.892	.874	.857	.839	.821	.785	.749	.713	.641
	Loss Conversion Factor	.018	.036	.054	.072	.090	.108	.126	.143	.161	.179	.215	.251	.287	.359
49	Basic Premium Ratio	.981	.962	.943	.924	.904	.885	.866	.847	.828	.809	.771	.732	.694	.618
	Loss Conversion Factor	.019	.038	.057	.076	.096	.115	.134	.153	.172	.191	.229	.268	.306	.382
48	Basic Premium Ratio	.980	.959	.939	.918	.898	.878	.857	.837	.817	.796	.755	.715	.674	.592
	Loss Conversion Factor	.020	.041	.061	.082	.102	.122	.143	.163	.183	.204	.245	.285	.326	.408
47	Basic Premium Ratio	.978	.956	.935	.913	.891	.869	.847	.825	.804	.782	.738	.695	.651	.564
	Loss Conversion Factor	.022	.044	.065	.087	.109	.131	.153	.175	.196	.218	.262	.305	.349	.436
46	Basic Premium Ratio	.977	.953	.930	.907	.883	.860	.837	.813	.790	.767	.720	.673	.627	.533
	Loss Conversion Factor	.023	.047	.070	.093	.117	.140	.163	.187	.210	.233	.280	.327	.373	.467
45	Basic Premium Ratio	.975	.950	.925	.900	.875	.850	.826	.801	.776	.751	.701	.651	.601	.502
	Loss Conversion Factor	.025	.050	.075	.100	.125	.150	.174	.199	.224	.249	.299	.349	.399	.498
44	Basic Premium Ratio	.973	.947	.920	.893	.866	.840	.813	.786	.759	.733	.679	.626	.572	.465
	Loss Conversion Factor	.027	.053	.080	.107	.134	.160	.187	.214	.241	.267	.321	.374	.428	.535
43	Basic Premium Ratio	.971	.942	.913	.885	.856	.827	.798	.769	.740	.711	.654	.596	.538	.423
	Loss Conversion Factor	.029	.058	.087	.115	.144	.173	.202	.231	.260	.289	.346	.404	.462	.577
42	Basic Premium Ratio	.969	.938	.907	.877	.846	.815	.784	.753	.722	.692	.630	.568	.507	.383

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
	Loss Conversion Factor	.031	.062	.093	.123	.154	.185	.216	.247	.278	.308	.370	.432	.493	.617
41	Basic Premium Ratio	.967	.934	.901	.867	.834	.801	.768	.735	.702	.669	.602	.536	.470	.337
	Loss Conversion Factor	.033	.066	.099	.133	.166	.199	.232	.265	.298	.331	.398	.464	.530	.663
40	Basic Premium Ratio	.965	.929	.894	.858	.823	.787	.752	.716	.681	.645	.574	.504	.433	.291
	Loss Conversion Factor	.035	.071	.106	.142	.177	.213	.248	.284	.319	.355	.426	.496	.567	.709
39	Basic Premium Ratio	.962	.924	.886	.847	.809	.771	.733	.695	.657	.618	.542	.466	.390	.237
	Loss Conversion Factor	.038	.076	.114	.153	.191	.229	.267	.305	.343	.382	.458	.534	.610	.763
38	Basic Premium Ratio	.959	.918	.877	.837	.796	.755	.714	.673	.632	.591	.510	.428	.346	.183
	Loss Conversion Factor	.041	.082	.123	.163	.204	.245	.286	.327	.368	.409	.490	.572	.654	.817
37	Basic Premium Ratio	.956	.913	.869	.826	.782	.739	.695	.652	.608	.565	.478	.391	.304	.130
	Loss Conversion Factor	.044	.087	.131	.174	.218	.261	.305	.348	.392	.435	.522	.609	.696	.870
36	Basic Premium Ratio	.953	.907	.860	.814	.767	.721	.674	.628	.581	.535	.442	.349	.255	.069
	Loss Conversion Factor	.047	.093	.140	.186	.233	.279	.326	.372	.419	.465	.558	.651	.745	.931
35	Basic Premium Ratio	.950	.900	.850	.800	.750	.700	.650	.600	.550	.500	.400	.300	.200	.000
	Loss Conversion Factor	.050	.100	.150	.200	.250	.300	.350	.400	.450	.500	.600	.700	.800	1.000
34	Basic Premium Ratio	.947	.893	.840	.787	.733	.680	.627	.574	.520	.467	.360	.254	.147	.000
	Loss Conversion Factor	.053	.107	.160	.213	.267	.320	.373	.426	.480	.533	.640	.746	.853	.982
33	Basic Premium Ratio	.943	.886	.829	.772	.715	.657	.600	.543	.486	.429	.315	.201	.087	.000
	Loss Conversion Factor	.057	.114	.171	.228	.285	.343	.400	.457	.514	.571	.685	.799	.913	.970
32	Basic Premium Ratio	.939	.877	.816	.754	.693	.631	.570	.508	.447	.385	.263	.140	.017	.000
	Loss Conversion Factor	.061	.123	.184	.246	.307	.369	.430	.492	.553	.615	.737	.860	.983	.952
31	Basic Premium Ratio	.933	.867	.800	.734	.667	.601	.534	.468	.401	.335	.202	.069	.000	.000
	Loss Conversion Factor	.067	.133	.200	.266	.333	.399	.466	.532	.599	.665	.798	.931	.986	.936
30	Basic Premium Ratio	.927	.855	.782	.710	.637	.565	.492	.420	.347	.275	.130	.000	.000	.000
	Loss Conversion Factor	.073	.145	.218	.290	.363	.435	.508	.580	.653	.725	.870	.999	.966	.925
29	Basic Premium Ratio	.922	.844	.766	.687	.609	.531	.453	.375	.297	.218	.062	.000	.000	.000
	Loss Conversion Factor	.078	.156	.234	.313	.391	.469	.547	.625	.703	.782	.938	.977	.953	.912
28	Basic Premium Ratio	.913	.827	.740	.654	.567	.481	.394	.308	.221	.134	.000	.000	.000	.000
	Loss Conversion Factor	.087	.173	.260	.346	.433	.519	.606	.692	.779	.866	.991	.957	.935	.899
27	Basic Premium Ratio	.905	.811	.716	.621	.526	.432	.337	.242	.148	.053	.000	.000	.000	.000
	Loss Conversion Factor	.095	.189	.284	.379	.474	.568	.663	.758	.852	.947	.976	.944	.920	.890
26	Basic Premium Ratio	.895	.791	.686	.582	.477	.373	.268	.164	.059	.000	.000	.000	.000	.000
	Loss Conversion Factor	.105	.209	.314	.418	.523	.627	.732	.836	.941	.990	.954	.925	.906	.880
25	Basic Premium Ratio	.887	.773	.660	.546	.433	.320	.206	.093	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.113	.227	.340	.454	.567	.680	.794	.907	.994	.974	.933	.912	.895	.870
24	Basic Premium Ratio	.872	.744	.617	.489	.361	.233	.106	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.128	.256	.383	.511	.639	.767	.894	.989	.973	.951	.920	.898	.882	.862
23	Basic Premium Ratio	.859	.718	.576	.435	.294	.153	.011	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.141	.282	.424	.565	.706	.847	.989	.972	.949	.929	.901	.883	.870	.852
22	Basic Premium Ratio	.842	.684	.526	.369	.211	.053	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.158	.316	.474	.631	.789	.947	.979	.955	.931	.915	.888	.872	.860	.843
21	Basic Premium Ratio	.821	.642	.463	.284	.106	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.179	.358	.537	.716	.894	.987	.953	.932	.912	.901	.876	.861	.853	.839
20	Basic Premium Ratio	.804	.607	.411	.215	.018	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.196	.393	.589	.785	.982	.969	.937	.916	.898	.888	.868	.856	.848	.834

Size Group		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
19	Basic Premium Ratio	.782	.565	.347	.130	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.218	.435	.653	.870	.977	.943	.921	.902	.884	.875	.859	.850	.843	.830
18	Basic Premium Ratio	.756	.512	.268	.024	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.244	.488	.732	.976	.958	.926	.906	.887	.871	.862	.851	.842	.837	.826
17	Basic Premium Ratio	.722	.445	.167	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.278	.555	.833	.976	.932	.910	.884	.874	.865	.857	.842	.835	.833	.824
16	Basic Premium Ratio	.678	.356	.034	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.322	.644	.966	.947	.915	.887	.870	.861	.852	.845	.837	.829	.829	.821
15	Basic Premium Ratio	.617	.233	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.383	.767	.975	.929	.890	.872	.862	.848	.840	.839	.831	.824	.821	.817
14	Basic Premium Ratio	.576	.153	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.424	.847	.955	.903	.875	.858	.849	.841	.834	.827	.826	.820	.819	.813
13	Basic Premium Ratio	.463	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.537	.995	.926	.886	.860	.848	.836	.829	.828	.821	.816	.815	.814	.809
12	Basic Premium Ratio	.381	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.619	.963	.899	.870	.845	.837	.830	.823	.816	.816	.810	.810	.810	.809
11	Basic Premium Ratio	.268	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.732	.932	.882	.855	.839	.824	.817	.811	.811	.811	.805	.805	.805	.805
10	Basic Premium Ratio	.106	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.894	.903	.866	.840	.825	.818	.811	.811	.811	.805	.805	.805	.805	.805
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.961	.886	.849	.833	.818	.812	.811	.811	.805	.805	.805	.805	.805	.805
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.929	.860	.834	.823	.812	.812	.808	.805	.805	.805	.805	.805	.805	.805
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.844	.827	.819	.812	.808	.805	.805	.805	.805	.805	.805	.805	.805
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.871	.836	.820	.812	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.850	.828	.812	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.820	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805
3	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.820	.812	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805
2	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.809	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805
1	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805	.805

WSR 81-04-025
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1719—Filed January 30, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to authorization of payment to veterinarians for official calfhood vaccination, repealing WAC 16-86-095.

I, M. Keith Ellis find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is funds allocated under chapter 270, Laws of 1979, have been exhausted. No further funds are available.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.

By M. Keith Ellis
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-86-095 REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR OFFICIAL CALFHOOD VACCINATION.

WSR 81-04-026

**WITHDRAWAL OF PROPOSED RULES
LOWER COLUMBIA COLLEGE**

[Filed January 30, 1981]

We respectfully request that you withdraw notice of intent to adopt, amend and repeal rules in Title 132M WAC as described in Notice No. WSR 81-01-005 filed with you on December 5, 1980.

James H. Callihan
Classified Personnel Officer

WSR 81-04-027

**ADOPTED RULES
DEPARTMENT OF ECOLOGY**

[Order DE 80-42—Filed February 2, 1981]

I, John F. Spencer, acting director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the adoption of chapter 173-511 WAC Instream Resources Protection Program—Nisqually River Basin, Water Resource Inventory Area (WRIA) 11.

This action is taken pursuant to Notice No. WSR 80-15-104 filed with the code reviser on October 22, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.22 and 90.54 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 27, 1981.

By John F. Spencer
Acting Director

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-140 REVIEW CRITERIA FOR CONDITIONAL USE PERMITS. The purpose of a conditional use permit is to allow greater flexibility in (administering) varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program.

(b) That the proposed use will not interfere with the normal public use of public shorelines.

(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) Uses which are specifically prohibited by the master program may not be authorized.

(4) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and

should not produce substantial adverse effects to the shoreline environment.

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-150 REVIEW CRITERIA FOR VARIANCE PERMITS. The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances should be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable ((permitted)) use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the department pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable ((permitted)) use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(3)(a) above is specifically related to the property,

and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

(f) That the public interest will suffer no substantial detrimental effect.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

(5) Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140.

NEW SECTION

WAC 173-14-155 MINIMUM STANDARDS FOR CONDITIONAL USE AND VARIANCE PERMITS. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where it exists in approved and adopted master programs.

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-180 REGULATORY ORDERS BY LOCAL GOVERNMENT OR THE DEPARTMENT.

(1) Local government and the department shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of a project being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development, conditional use, or variance permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval by the department of a master program for the area, the guidelines and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

(b) An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time((; and

(c) The right of the person to whom the order is directed to a hearing before the shorelines hearings board)).

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed ((and shall become final unless review is requested pursuant to WAC 173-14-190)).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-14-190 HEARINGS ON REGULATORY ORDERS.

**WSR 81-04-028
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 80-42—Filed February 2, 1981]**

I, John F. Spencer, acting director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the adoption of chapter 173-511 WAC, Instream Resources Protection Program—Nisqually River Basin, Water Resource Inventory Area (WRIA) 11.

NEW SECTION

WAC 173-511-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station Location, River Mile and Section, Township and Range	Affected Stream Reach
New gage Nisqually River	4.3 9, 18N, 1E	From influence of mean annual high tide at low base flow levels to the outlet of the Cen- tralia City Light Power Plant
12-0895-00 Nisqually River	21.8 28, 17N, 2E	From outlet of the Centralia City Light Power Plant at river mile 12.6 to

This action is taken pursuant to Notice No. WSR 80-15-104 filed with the code reviser on October 22, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.22 and 90.54 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 27, 1981.

By John F. Spencer
Acting Director

Chapter 173-511 WAC

Instream Resources Protection Program—Nisqually River Basin, Water Resource Inventory Area (WRIA) 11

NEW SECTION

WAC 173-511-010 GENERAL PROVISION. These rules apply to waters within the Nisqually River Basin, WRIA 11, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program).

NEW SECTION

WAC 173-511-020 PURPOSE. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Nisqually River Basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, environmental values, recreation, navigation, and to preserve water quality.

Control Station No. Stream Management Unit Name	Control Station Location, River Mile and Section, Township and Range	Affected Stream Reach
12-0884-00 Nisqually River	32.6 21, 16N, 3E	Centralia City Light Power Canal diver- sion at river mile 26.2, including all tributaries.
12-0825-00 Nisqually River	57.8 29, 15N, 6E	From the Centralia City Light Power canal diversion at river mile 26.2 to gage 12-0865-00 near the La Grande Power Plant, in- cluding all tribu- tarIES except the Mashel River.
12-0870.00 Mashel River	3.25 11, 16N, 4E	From gage 12-0865-00 near the La Grande Power Plant to the headwaters including all tributaries

(2) Instream flows established for the stream management unit described in WAC 173-511-030(1) are as follows:

INSTREAM FLOWS IN THE NISQUALLY RIVER BASIN
(in Cubic Feet per Second)

Month	Day	Lower Reach of the Nisqually River USGS Gage	Bypass Reach of the Nisqually River USGS Gage	Mid Reach of the Nisqually River USGS Gage
		12-*	RM 4.3	12-0895-00 RM 21.8
January	1	900	600	900
	15	900	600	900
February	1	900	600	900
	15	900	600	900
March	1	900	600	900
	15	900	600	900
April	1	900	600	900
	15	900	600	900
May	1	900	600	900
	15	900	600	900
June	1	900	500 (closed)	800 (closed)
	15	850	450 (closed)	800 (closed)
July	1	800	400 (closed)	800 (closed)
	15	800	400 (closed)	800 (closed)
August	1	800	370 (closed)	800 (closed)
	15	800	370 (closed)	650 (closed)
September	1	600	370 (closed)	600 (closed)
	15	600	370 (closed)	600 (closed)
October	1	700	550 (closed)	700 (closed)
	15	700	550 (closed)	700 (closed)
November	1	700	600	700
	15	700	600	700
December	1	800	600	800
	15	900	600	900

*New gage to be established.

Month	Day	Upper Reach of the Nisqually River USGS Gage	Mashel River USGS Gage		
		12-0825-00	RM 57.8	12-0870-00	RM 3.25
January	1	450		100	
	15	450		100	
February	1	450		100	
	15	450		100	
March	1	450		100	
	15	450		100	
April	1	450		100	
	15	450		100	
May	1	450		100	
	15	450		80	
June	1	600		80 (closed)	

Month	Day	Upper Reach of the Nisqually River USGS Gage	RM 57.8	Mashel River USGS Gage	12-0870-00	RM 3.25
	15	650		70(closed)		
July	1	550		50(closed)		
	15	500		40(closed)		
August	1	450		30(closed)		
	15	400		30(closed)		
September	1	350		20(closed)		
	15	300		20(closed)		
October	1	300		20(closed)		
	15	300		20(closed)		
November	1	350		40		
	15	400		70		
December	1	450		100		
	15	450		100		

(3) Instream flow hydrographs, as represented in the document entitled "Nisqually River Basin Instream Resource Protection Program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-511-030(2).

NEW SECTION

WAC 173-511-040 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATIONS. (1) The department has determined that (a) certain streams exhibit low summer flows or have a potential for going dry thereby inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations the following streams and lakes are closed to further appropriation for the periods indicated:

New Surface Water Closures

Stream or Lake Section, Township, and Range of Mouth or Outlet	Tributary to	Period of Closure
Mashel River NE1/4SW1/4 Sec. 29, T16N, R4E and all tributaries	Nisqually River	June 1 – Oct. 31
Red Salmon Creek (Mounts Creek) NE1/4NW1/4 Sec. 33, T19N, R1E and all tributaries	Nisqually River	April 1 – Oct. 31
Clear Creek NE1/4SE1/4 Sec. 21, T18N, R1E and all tributaries	Nisqually River	April 1 – Oct. 31
Tanwax Creek NW1/4NE1/4 Sec. 20, T16N, R3E and all tributaries	Nisqually River	April 1 – Oct. 31
McAllister Creek (except Medicine Creek) NW1/4N1/4 Sec. 6, T18N, R1E and all tributaries	Puget Sound	all year
Lake Saint Clair SE1/4NW1/4 Sec. 6, T17N, R1E		all year
Toboton Creek (above Hopson Road) SW1/4SW1/4 Sec. 19, T16N, R3E and all tributaries	Nisqually River	April 1 – Nov. 30
Lackamas Creek SE1/4SE1/4 Sec. 13, T16N, R2E and all tributaries	Nisqually River	April 1 – Nov. 30
Murray Creek NW1/4NW1/4 Sec. 16, T17N, R2E	Nisqually River	April 1 – Nov. 30
Bypass Reach, Nisqually River NE1/4SE1/4 Sec. 11, T17N, R1E	Puget Sound	June 1 – Oct. 31
Mid Reach, Nisqually River SE1/4NW1/4 Sec. 1, T16N, R2E	Puget Sound	June 1 – Oct. 31

(2) The following stream and lake low flows and closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

**Existing Surface Water Source Limitations
Current Administrative Status of Streams and Lakes
Nisqually Basin, WRIA 11**

Stream	Tributary to	Action	Dates
Eaton Creek SE1/4NW1/4 Sec. 6, T17N, R1E	Lake St. Clair	Closure	12/1/53
Harts Lake and outlet streams SW1/4SE1/4 Sec. 1, T16N, R2E	Nisqually River	Low Flow (0.5 cfs bypass)	10/7/44
Horn Creek SW1/4NE1/4 Sec. 1, T16N, R2E	Nisqually River	Closure	7/22/74
Muck Creek and all tributaries SW1/4SW1/4 Sec. 36, T18N, R1E	Nisqually River	Closure	5/26/48
Ohop Creek and all tributaries SW1/4NE1/4 Sec. 25, T16N, R3E	Nisqually River	Closure	2/15/52
Ohop Lake NE1/4SE1/4 Sec. 10, T16N, R1E	Ohop Creek	Lake Level (523 ft)	3/25/66
Thompson Creek and all tributaries SE1/4NE1/4 Sec. 11, T17N, R1E	Nisqually River	Low Flow (1.0 cfs bypass)	11/19/51
Unnamed Stream and all tributaries SW1/4NW1/4 Sec. 11, T15N, R4E	Alder Lake (Nisqually River)	Closure	4/28/64
Unnamed Stream and all tributaries SW1/4SE1/4 Sec. 17, T17N, R2E	Centralia Canal (Nisqually River)	Low Flow (0.75 cfs bypass)	11/19/51
Unnamed Stream and all tributaries SE1/4SE1/4 Sec. 27, T17N, R2E	Nisqually River	Low Flow (0.50 cfs bypass)	12/6/50
Yelm Creek and all tributaries SW1/4SW1/4 Sec. 12, T17N, R1E	Nisqually River	Closure	8/7/51

NEW SECTION

WAC 173-511-050 GROUND WATER. Future ground water withdrawal proposals will not be affected by this chapter unless it is verified that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

NEW SECTION

WAC 173-511-060 LAKES. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in situations where it is clear that overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-511-070 EXEMPTIONS. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise existing on the effective date

of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter; provided that, if the cumulative effects of numerous single domestic diversions and/or withdrawals would seriously affect the quantity of water available for instream uses, then only domestic in-house use shall be exempt if no alternative source is available.

(4) Stock-watering use, except that related to feed-lots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted.

NEW SECTION

WAC 173-511-080 FUTURE RIGHTS. No rights to divert or store public surface waters of the Nisqually River Basin, WRIA 11, shall hereafter be granted, except as provided in WAC 173-511-070, which shall conflict with the purpose of this chapter as stated in WAC 173-511-020.

NEW SECTION

WAC 173-511-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-511-100 REGULATION REVIEW. The rules in this chapter shall be reviewed by the department of ecology at least once in every four years. In addition, the department may review this regulation whenever requested by private, public, state, and federal agencies.

WSR 81-04-029

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 1-12 WAC, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-95 WAC, "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). Adoption of Revision No. 1 to the 1978 MUTCD as an amendment to chapter 468-95 WAC;

that such agency will at 10:00 a.m., Monday, March 16, 1981, in the Board Room, 1D 2, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 16, 1981, in the Board Room, 1D 2, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.36.030 Traffic Control Devices.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 16, 1981, and/or orally at 10:00 a.m., Monday, March 16, 1981, Board Room, 1D 2, Highway Administration Building, Olympia, Washington.

Dated: February 2, 1981

By: V. W. Korf
Deputy Secretary

STATEMENT OF PURPOSE

Title: Amendment to chapter 468-95 WAC. Adoption of Revision No. 1 to the 1978 "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). **Result Of Federal Law Or Federal Or State Court Action:** Implementation of changes in federal regulations.

Statutory Authority: chapter 47.36 RCW, Traffic Control Devices.

Summary Of Rule: This rule incorporates the seven official "Changes," and minor revisions, described in Revision No. 1 to the 1978 MUTCD. The seven "Changes" relate to signing and pavement marking and have been approved by the Federal Highway Administrator.

Reason For Rule: This rule is necessary so that the signing, markings, signals, and construction and maintenance traffic control requirements on Washington streets and highways will remain uniform with those adopted by the Federal Highway Administrator.

For Further Information: Mr. R. E. Bockstruck, Project Development Engineer for the Department of Transportation, Room 2C-3, Highway Administration Building, phone 753-6135, is responsible for the drafting and implementation of this rule. **Proponents Of Rule:** The Washington State Department of Transportation is the proponent of the rule.

Agency Comments Or Recommendations: The 1978 MUTCD, incorporating Revision No. 1, will continue to provide for uniformity in the application and use of traffic control devices on streets and highways in Washington. The seven "Changes" in Revision No. 1 should enhance safety and convenience for highway users.

AMENDATORY SECTION (Amending Order 51, filed 3/21/80)

Chapter 468-95 WAC
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR
STREETS AND HIGHWAYS

The "Manual on Uniform Traffic Control Devices for Streets and Highways" 1978 edition (MUTCD), approved by the Federal Highway Administrator as the national standard for all highways open to public travel; published by the U. S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. 51 of the Secretary of Transportation dated March 17, 1980. Revision No. 1 of the 1978 edition was duly adopted by Administrative Order No. of the Secretary of Transportation dated The manual includes in part many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD, incorporating Revision No. 1, may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402, Price \$18.00. The document is available for public inspection at the headquarters office and all district offices of the Washington State Department of

Transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD in its possession.

The following modifications to the MUTCD have also been adopted by Administrative Order No. 51 of the Secretary of Transportation on March 17, 1980:

The second paragraph of Section 2C-3, "Placement of Warning Signs," of the MUTCD is amended to read as follows:

Since warning signs are primarily for the protection of the vehicle operator who is unacquainted with the road, it is very important that care is given to their location. Warning signs should normally be placed in a range of 250 feet to 750 feet in advance of the hazard or conditions. On high speed roads, and particularly on freeways, advance warning distances may have to be as great as 1500 feet or more.

The first paragraph of Section 3B-3, "No-Passing Zone Markings," of the MUTCD is amended to read as follows:

Where center lines are installed, no-passing zone markings shall be established at vertical curves on two-and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions.

Effective December 31, 1982, where center lines are installed, no-passing zone markings shall be established at horizontal curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions except: Along highway sections of almost continuous horizontal curvatures such as in mountainous terrain no-passing zone markings shall not be established at horizontal curves. Such highway sections would otherwise require almost continuous no-passing zone markings which could restrict motorists from exercising judgment that it is safe to pass a slow moving vehicle and still be in compliance with chapter 46.61 RCW.

The first sentence of Paragraph 3, Item (c), of Section 4B-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (a) and (b) above.

Paragraph 2 of Section 4E-9, "Meaning of Lane-use Control Indications," of the MUTCD is amended to read as follows:

A steady YELLOW X or a flashing RED X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady RED X is displayed.

The second sentence of paragraph 3, Section 6B-3, "Position of Signs," of the MUTCD states:

Signs mounted on barricades, or temporary supports, may be at lower heights, but the bottom of the sign shall not be less than one foot above the pavement elevation.

A compliance date of December 31, 1983 is hereby established.

The following supplemental paragraph is hereby added to Section 7B-12, "School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)," of the MUTCD:

**DEFINITION OF
SCHOOL SPEED LIMIT SIGN SUPPLEMENT
"WHEN CHILDREN ARE PRESENT"**

The supplemental or lower panel of a "SCHOOL SPEED LIMIT 20" sign which reads "WHEN CHILDREN ARE PRESENT" shall indicate to the motorist that the 20 mile per hour school speed limit is in force under the following conditions:

- (1) School children are occupying or walking within the marked crosswalk.
- (2) School children are waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.
- (3) School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends 300 feet in either direction from the marked crosswalk.

The first sentence of Paragraph 3 applicable only to CIRCULAR RED or RED ARROW, of Section 7D-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (1) and (2) above.

Paragraph 2 of Section 8A-1, "Functions," of the MUTCD is amended to read as follows:

With due regard for safety and for the integrity of operations by highway and railroad users, the highway agency and the railroad company are entitled to jointly occupy the right of way in the conduct of their assigned duties. This requires joint responsibility in the traffic control function between the public agency and the railroad.

There is added to the MUTCD, the following regulation pertaining to signing of county roads:

In accordance with section 1, chapter 45, Laws of 1980, the legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with a "PRIMITIVE ROAD" sign at all places where the primitive road portion begins or connects with a highway other than a primitive road.

A sign with the caption "CAUTION - NO WARNING SIGNS" may be installed on the same post with the "PRIMITIVE ROAD" sign, and may be individually erected at intermediate points along the road section if conditions warrant. In addition, a sign with the caption "NEXT.....MILES" may be installed on the same post below the "CAUTION - NO WARNING SIGNS" sign.

The designs of the "PRIMITIVE ROAD, CAUTION - NO WARNING SIGNS, and NEXT.....MILES" signs are available for public inspection at the headquarters office and all district offices of the Washington state department of transportation.

Existing signing placed in accordance with the requirements for I 7-7 of the June 1978 Supplement to the MUTCD (1971 edition) is hereby authorized, on an optional basis, until December 31, 1980.

**WSR 81-04-030
PROPOSED RULES
TRANSPORTATION COMMISSION**
[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.56.240, that the

Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of WAC 468-300-800 Spokane River Toll Bridge;

that such agency will at 2 p.m., Tuesday, March 17, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Tuesday, March 17, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1981, and/or orally at 2 p.m., Tuesday, March 17, 1981, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: February 2, 1981

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: To adopt WAC 468-300-800.

Summary Of Rule: To revise the tolls on the Spokane River Toll Bridge.

Statement Of Reasons: To increase the toll on the Spokane River Toll Bridge to meet future bond requirements, higher maintenance and operational costs.

For Further Information: Mr. Fred Peil, Assistant Secretary for Marine Transportation, Room 3D-18, Highway Administration Building, Phone 753-6037, Olympia, Washington, is responsible for the drafting, implementation and enforcement of the rule.

Proponent Of The Rule: Washington State Transportation Commission.

Opponent Of The Rule: Unknown.

NEW SECTION

WAC 468-300-800 SPOKANE RIVER TOLL BRIDGE. The toll for the Spokane River toll bridge shall be ten cents (10¢) per axle applied to all vehicles.

WSR 81-04-031

PROPOSED RULES

TRANSPORTATION COMMISSION

[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.325 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a new schedule of tolls for the Washington State Ferry System as last amended by Administrative Order 15, Resolution 72, filed 4/1/80 and Administrative Order 16, Resolution 90, filed 10/27/80;

that such agency will at 2 p.m., Tuesday, March 17, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Tuesday, March 17, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.325.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1981, and/or orally at 2 p.m., Tuesday, March 17, 1981, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: February 2, 1981

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amendment to WAC 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-050.

Summary Of Rule: To revise the fare schedule required for travel on the state ferry system.

Statement Of Reasons: To revise the fare schedule on the state ferry system to meet the changing economic factors, including effect of inflation, rising fuel costs and higher operational costs.

For Further Information: Mr. Fred Peil, Assistant Secretary for Marine Transportation, Room 3D-18, Highway Administration Building, Phone 753-6097, Olympia, Washington, is responsible for the drafting, implementation and enforcement of the rule.

Proponent Of The Rule: Washington State Transportation Commission.

Opponent Of The Rule: Unknown.

AMENDATORY SECTION (Amending Order 16, Resolution 90, filed 10/27/80)WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	COM- MU- TATION 20 Rides *****	PASSENGER SCHOOL COM- MU- TATION *** ***** 20 Rides	EXCURSION- ROUND TRIP***		
					Full Fare	Half Fare**	
					Ages 12-20	5-11	
Fauntleroy-Southworth							
Seattle-Bremerton							
Seattle-Winnow							
Edmonds-Kingston							
Pt. Townsend-Keystone							
Fauntleroy-Vashon							
Southworth-Vashon							
Pt. Defiance-Tahlequah							
Mukilteo-Clinton							
Lofall-Southpoint							
Anacortes to Lopez							
Shaw or Orcas							
Friday Harbor							
Sidney							
Friday Harbor to Lopez, Shaw or Orcas							
Between Lopez, Shaw, or Orcas							
Sidney to Lopez							
Shaw or Orcas							
Friday Harbor							

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare. NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

****School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

*****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.

AMENDATORY SECTION (Amending Order 15, Resolution 72, filed 4/1/80)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER			Excursion Round Trip***		
	One Way	20 Rides ****	One Way	20 Rides ****	Full One Way	Half One Way	Fare One Way	Commutation 20 Rides ****	Full Fare	Half Fare	
Fauntleroy-Southworth											
Seattle-Bremerton											
Seattle-Winslow											
Edmonds-Kingston											
Pt. Townsend-Keystone											
Fauntleroy-Vashon											
Southworth-Vashon											
Pt. Defiance-Tahlequah											
Mukilteo-Clinton											
Lofall-Southpoint											
	10 Rides										
Anacortes to Lopez											
	((4.40	35.20	2.55	34.00	2.00	1.30	20.00))				
	5.60	44.80	3.25	43.35	2.55	1.65	25.50				
Shaw or Orcas											
	((4.95	39.60	2.95	39.35	2.25	1.45	22.50))				
	6.30	50.40	3.75	50.00	2.85	1.80	28.50				
Friday Harbor											
	((5.65	45.20	3.40	45.35	2.55	1.65	25.50))				
	7.20	57.60	4.30	57.35	3.25	2.10	32.50				
Sidney											
	((21.20))	N/A	((10.65))	N/A	((6.95))	((4.50))	N/A				
	26.90		13.50		8.85	5.70					
Friday Harbor to Lopez,											
Shaw or Orcas											
	((3.55	28.40	2.15	28.65	1.70	1.10	17.00))				
	4.50	36.00	2.75	36.65	2.15	1.40	21.50				
Between Lopez, Shaw, or Orcas											
	((2.40	19.20	1.45	19.35	1.15	.80	11.50))				
	3.05	24.40	1.85	24.65	1.45	1.00	14.50				
Sidney to Lopez											
	((16.80))	1	((8.05))	1	((4.95))	((3.20))	1				
	21.35		10.20		6.30	4.05					
Shaw or Orcas											
	((16.25))	N/A	((7.65))	N/A	((4.76))	((3.05))	N/A				
	20.65		9.70		5.95	3.85					
Friday Harbor											
	((15.55))	J	((7.30))	J	((4.46))	((2.85))	J				
	19.75		9.15		5.60	3.60					

*These routes operate on one-way only toll collection system.

**Stages – option of paying Auto rate plus full fare for passengers (See Stages and Busses).

**Vanpools – A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***One day excursion for bicycle and rider with limited time ashore.

****Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (be-

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicle

for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

AMENDATORY SECTION (Amending Order 15, Resolution 72, filed 4/1/80)WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER AND EXPRESS SHIPMENT FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG			OVERSIZED VEHICLES** 25' OR LONGER			STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass		
Fauntleroy-Southworth								
Seattle-Bremerton	—	((6.40)) <u>8.15</u>	((+02.40)) <u>130.40</u>	((8.00)) <u>11.20</u>	((+40.00)) <u>179.20</u>	((8.00)) <u>11.20</u>	((.60)) <u>.75</u>	
Seattle-Winnow	J							
Edmonds-Kingston								
Pt. Townsend-Keystone								
Fauntleroy-Vashon	—	((8.50)) <u>10.80</u>	((68.00)) <u>86.40</u>	((+1.30)) <u>14.40</u>	((+86.80)) <u>115.20</u>	((+1.30)) <u>14.40</u>	((.80)) <u>1.00</u>	
Southworth-Vashon	J							
Pt. Defiance-Tablequah	J*							
Mukilteo-Clinton	—	((4.25)) <u>5.40</u>	((68.00)) <u>86.40</u>	((5.65)) <u>7.20</u>	((90.40)) <u>115.20</u>	((5.65)) <u>7.20</u>	((.40)) <u>.50</u>	
Lofall-Southpoint	J							
Anacortes to Lopez,		10 Rides					((.75)) <u>.95</u>	
Shaw, Orcas or	—	((8.00)) <u>11.20</u>	70.40 <u>89.60</u>	12.00 <u>15.25</u>	96.00 <u>122.00</u>	12.00 <u>15.25</u>	((.85)) <u>1.10</u>	
Friday Harbor							((.90)) <u>1.15</u>	
Sidney	—	((38.95)) <u>36.75</u>	N/A	((39.55)) <u>50.25</u>	N/A	((39.55)) <u>50.25</u>	((2.50)) <u>3.20</u>	
Friday Harbor to Lopez, Shaw or Orcas	—	((6.40)) <u>8.15</u>	((5+20)) <u>65.20</u>	((8.00)) <u>11.20</u>	((70.40)) <u>89.60</u>	((8.00)) <u>11.20</u>	((.60)) <u>.75</u>	
Between Lopez, Shaw or Orcas	—	((4.25)) <u>5.40</u>	((34.00)) <u>43.20</u>	((5.65)) <u>7.20</u>	((45.20)) <u>57.60</u>	((5.65)) <u>7.20</u>	((.40)) <u>.50</u>	
Sidney to Lopez,	J						((1.80)) <u>2.30</u>	
Shaw, Orcas or	—	((20.15)) <u>25.60</u>	N/A	((27.55)) <u>35.00</u>	N/A	((27.55)) <u>35.00</u>	((1.65)) <u>2.10</u>	
Friday Harbor	J						((.60)) <u>2.05</u>	

(1) BULK NEWSPAPERS per 100 lbs. \$((+55))1.95
(Shipments exceeding 60,000 lbs. in any month shall be assessed ((75)).95¢ per 100 lbs.)

(2) EXPRESS SHIPMENTS per 100 lbs. \$((+5.00))19.05
(Shipments exceeding 100 lbs. assessed \$((5.00))6.35 for each 25 lbs. or fraction thereof.)

San Juan Inter-Island express shipments will be handled @ \$((2.00))2.55 per 100 lbs.

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

***Stages – Option of paying Auto-driver rate plus full fare for each passenger.

– A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

– For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

(1) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

AMENDATORY SECTION (Amending Order 15, Resolution 72, filed 4/1/80)

WAC 468-300-040 TRUCK FERRY TOLLS.

ROUTES	TRUCK, INCL. DRIVER										Over 80,000 per 1,000 Lbs.
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	72,001 to 80,000		
Fauntleroy-Southworth										****	
Seattle-Bremerton											
Seattle-Winslow	((6.40 8.15	8.80 11.20	11.40 14.50	13.80 17.55	17.00 21.60	22.20 28.20	27.60 35.05	32.80 41.65	38.00 48.25	.60)) .75	
Edmonds-Kingston											
Pt. Townsend-Keystone											
Fauntleroy-Vashon											
Southworth-Vashon											
Pt. Defiance-Tablequah											
Mukilteo-Clinton											
Lofall-Southpoint											
**Anacortes to Lopez											
Shaw or Orcas											
Friday Harbor											
Sidney	((8.80 11.20	12.00 15.25	15.20 19.30	18.40 23.35	22.60 28.70	29.60 37.60	36.80 46.75	43.80 55.65	50.80 64.50	.80)) 1.00	
36.85	50.30	63.75	77.20	93.20	123.70	154.45	184.90	193.30	2.60)) 3.30		
**Friday Harbor to Lopez,											
Shaw or Orcas											
((6.40 8.15	8.80 11.20	11.40 14.50	13.80 17.55	17.00 21.60	22.20 28.20	27.60 35.05	32.80 41.65	38.00 48.25	.60)) .75		
**Between Lopez,											
Shaw or Orcas											
((4.20 5.35	5.60 7.10	7.00 8.90	8.60 10.90	10.60 13.45	14.20 18.05	17.60 22.35	21.20 26.90	24.40 31.00	.40)) .50		
**Sidney to Lopez											
Shaw or Orcas											
((20.20 25.65	27.60 35.05	35.40 44.95	42.40 53.85	50.80 64.50	67.80 86.10	84.80 107.70	101.60 129.05	106.00 134.60	1.80)) 2.30		
Friday Harbor											

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 or more, one-way unit crossings within any consecutive six day period 25%

Semi-trucks are considered two truck units.

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 15, Resolution 72, filed 4/1/80)

WAC 468-300-050 TRAILER FERRY TOLLS.

ROUTES	UNDER 10' One Way	10'-0" to Under 20' One Way	TRAILER				50'-0" & Over One Way	
			20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way		
Fauntleroy-Southworth								
Seattle-Bremerton								
Seattle-Winslow								
Edmonds-Kingston								
Pt. Townsend-Keystone								
Fauntleroy-Vashon								
Southworth-Vashon								
((2.15 2.75	4.00 5.10	6.40 8.15	13.75 17.45	22.25 28.25	27.55)) 35.00			
((2.90	5.40	8.50	17.00	28.30	35.40))			

ROUTES	UNDER 10' One Way <u>3.70</u>	10'-0" to Under 20' One Way <u>6.90</u>	TRAILER 20'-0" to Under 30' One Way <u>10.80</u>	30'-0" to Under 40' One Way <u>21.60</u>	40'-0" to Under 50' One Way <u>35.95</u>	50'-0" & Over One Way <u>44.95</u>
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((<u>1.45</u>	<u>2.70</u>	<u>4.25</u>	<u>8.50</u>	<u>14.15</u>	<u>17.70</u>))
<u>Lofall-Southpoint</u>	<u>1.85</u>	<u>3.45</u>	<u>5.40</u>	<u>10.80</u>	<u>17.95</u>	<u>22.50</u>
Anacortes to Lopez	((<u>2.55</u>	<u>4.40</u>))				
	<u>3.25</u>	<u>5.60</u>				
Shaw or Orcas	((<u>2.95</u>	<u>4.95</u>	<u>8.80</u>	<u>18.40</u>	<u>29.70</u>	<u>36.75</u>))
	<u>3.75</u>	<u>6.30</u>	<u>11.20</u>	<u>23.35</u>	<u>37.70</u>	<u>46.65</u>
Friday Harbor	((<u>3.40</u>	<u>5.65</u>))				
	<u>4.30</u>	<u>7.20</u>				
Sidney	((<u>10.65</u>	<u>21.20</u>	<u>28.95</u>	<u>60.75</u>	<u>97.45</u>	<u>121.50</u>))
	<u>13.55</u>	<u>26.90</u>	<u>36.75</u>	<u>77.15</u>	<u>123.75</u>	<u>154.30</u>
Friday Harbor to						
Lopez, Shaw or Orcas	((<u>2.15</u>	<u>3.55</u>	<u>6.40</u>	<u>13.75</u>	<u>22.25</u>	<u>27.55</u>))
	<u>2.75</u>	<u>4.50</u>	<u>8.15</u>	<u>17.45</u>	<u>28.25</u>	<u>35.00</u>
Between Lopez, Shaw, or Orcas	((<u>1.45</u>	<u>2.40</u>	<u>4.25</u>	<u>8.50</u>	<u>14.15</u>	<u>17.70</u>))
	<u>1.85</u>	<u>3.05</u>	<u>5.40</u>	<u>10.80</u>	<u>17.95</u>	<u>22.50</u>
Sidney to Lopez	((<u>8.05</u>	<u>16.80</u>))				
	<u>10.20</u>	<u>21.35</u>				
Shaw or Orcas	((<u>7.65</u>	<u>16.25</u>	<u>20.15</u>	<u>42.40</u>	<u>67.80</u>	<u>84.75</u>))
	<u>9.70</u>	<u>20.65</u>	<u>25.60</u>	<u>53.85</u>	<u>86.10</u>	<u>107.65</u>
Friday Harbor	((<u>7.20</u>	<u>15.55</u>))				
	<u>9.15</u>	<u>19.75</u>				

*These routes operate on one-way only toll collection system.

WSR 81-04-032
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 1592—Filed February 2, 1981]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to liability for costs of care and hospitalization of the mentally ill, amending chapter 275-16 WAC.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the present rule does not appear to comply adequately with the statute it is supposed to implement. Substantial fiscal impact is involved.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 71.02.412 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1270, filed 2/17/78)

WAC 275-16-010 AUTHORITY. ((1))) The following rules regarding hospitalization charges are hereby adopted under the authority of Title 71 RCW.

((2) "Hospitalization" includes treatment, transportation, examination, diagnosis, care, detention, training, pharmaceutical services, outpatient services and other services provided for patients needing mental health treatment.))

NEW SECTION

WAC 275-16-015 DEFINITIONS. (1) "Adjusted charges" are those charges levied upon a patient who is or has been confined to a state hospital for the mentally ill, either by voluntary or involuntary admission, and their estates and responsible relatives, which are less than the actual cost of hospitalization as reflected in the Schedule of Charges herein and which has been established by the issuance of a Notice of Finding of Responsibility.

(2) "Adjusted gross income" is that gross income of the estate of the patient and responsible relatives less any deductions, contributions or payments mandated by law including, but not necessarily limited to, income tax and social security.

(3) "Dependent" means any spouse, minor son or daughter, or permanently disabled son or daughter, of the patient living in the patient's household. If the patient is a minor, then the same definitions shall apply in determining the dependency of members of the parent's household. If a minor son or daughter is not living in the patient's household, that son or daughter shall not be considered a dependent unless the patient is in fact contributing more than fifty percent of that child's support

in accordance with a court order or court-recognized agreement.

(4) "Department" means the department of social and health services.

(5) "Determination officer" is that duly appointed and qualified claims investigator who is delegated authority by the secretary to conduct or cause to have conducted an investigation of the financial condition of the estate of the patient and responsible relatives, to evaluate the results of such investigations, to make determinations of the ability to pay hospitalization charges from such investigations and evaluations, and to issue Notices of Findings of Responsibility to the responsible parties.

(6) "Estate of patient and responsible relative" means the total assets available to the patient and his responsible relatives to reimburse the department for hospitalization charges incurred by the patient in a state hospital for the mentally ill in accordance with these regulations.

(7) "Gross income" means the total assets available to the estate of the patient and responsible relatives expressed in terms of their cash equivalent on a monthly basis. It includes gross wages for service, net earnings from self-employment; and all other assets of the estate prior to any mandatory deductions.

(8) "Secretary" means the secretary of the department of social and health services.

NEW SECTION

WAC 275-16-035 AVAILABLE ASSETS OF ESTATE OF PATIENTS AND RESPONSIBLE RELATIVES. (1) The department will include, but not necessarily be limited to, in their determination of the assets of the estates of present and former patients of state hospitals for the mentally ill and their responsible relatives, cash, stocks, bonds, savings, security interests, insurance benefits, guardianship funds, trust funds, governmental benefits, pension benefits and personal property.

(2) Real property shall also be an available asset to the estate: PROVIDED, That the patient's home shall not be considered an available asset if that property is owned by the estate and serves as the principal dwelling and actual residence of the patient, the patient's spouse, and/or minor children and disabled sons or daughters: PROVIDED FURTHER, That if the home is not being used for residential purposes by the patient, the patient's spouse, and/or minor children and disabled sons or daughters, and in the opinion of two physicians, there is no reasonable expectancy that the patient will be able to return to the home during the remainder of his life, the home shall be considered an asset available to the estate.

(3) In determining if a particular asset is available to the estate of a patient who is eligible or potentially eligible for Medicaid, the determination officer will apply the standards of WAC 388-92-045.

NEW SECTION

WAC 275-16-055 NOTICE OF FINDING OF RESPONSIBILITY (NFR). The determination officer's assessment of the ability and liability of the estate to pay hospitalization charges shall be issued in the form of a

Notice of Finding of Responsibility, hereinafter referred to as an NFR, as prescribed by RCW 71.02.413. The NFR will be served upon those responsible parties as otherwise required by law, will indicate the charges being assessed, and explain the procedure for appeal therefrom. When the NFR is for full hospitalization charges as specified in WAC 275-16-030, the financially responsible person will be informed of the current charges and that those charges are periodically recomputed by the department in accordance with RCW 71-02.410. When the NFR is for adjusted charges, those charges will be expressed in a daily rate. Charges for ancillary services will be set aside when the NFR is for adjusted charges.

NEW SECTION

WAC 275-16-065 DETERMINATION OF LIABILITY. (1) In determining the ability of the estate of the patient and responsible relative to pay hospitalization charges, first priority shall be given to any third party benefits which might be available. The availability of third party benefits, such as medical insurance, health insurance, Medicare, Medicaid, CHAMPUS, CHAMPVA, shall be considered as an available asset of the estate and shall justify a finding for actual costs of hospitalization during such period as the coverage is in effect.

(2) In the absence of third party benefits, charges shall be based upon the available assets of the estate giving consideration to any unusual and exceptional circumstances and other pertinent factors. No financial determination of the ability of the estate to pay hospitalization charges shall conflict with the eligibility requirements for Medicaid for those patients who are eligible or potentially eligible for such benefits.

(3) The ability of the estate to pay adjusted charges will be determined by applying the following formula:

$$X = (Z-E)F$$

where $Z = (A-Y-N-R) \div D$

Z = available income per family member

X = adjusted charges (daily)

A = gross income

Y = mandatory deductions

N = allowance for unusual and exceptional circumstances

R = allowance for other pertinent factors

D = number of dependents

E = exempt income

F = a factor which converts the monthly figures to a daily rate (.0328767).

All calculations are expressed in monthly terms except the final adjusted charge which is converted to a daily rate. All final figures are rounded out to the nearest cent.

(4) The adjusted gross income ($A-Y$) is determined by first developing the gross income of the estate. Gross income (A) includes not only gross wages for services rendered, and/or net earnings from self-employment, but all other available assets converted to some reasonable monthly figure. All mandatory deductions (Y), such

as income tax and social security, are deducted from the gross income to arrive at the adjusted gross income.

(5) Approved allowances for unusual and exceptional circumstances (N) and for other pertinent factors (R) are then subtracted from the adjusted gross income.

(6) The available income (A-Y-N-R) is then divided by the number of dependents in the household of the patient (D) to determine the available income per family member.

(7) Exempt income (E) as defined in WAC 275-16-045 is then subtracted from the available income per family member to arrive at the monthly adjusted charges.

(8) The monthly adjusted charges are multiplied by the factor of .0328767 which converts the monthly figure to a daily rate.

NEW SECTION

WAC 275-16-075 UNUSUAL AND EXCEPTIONAL CIRCUMSTANCES. Unusual and exceptional circumstances for these purposes will cover those expenses other than usual or common; rare and extraordinary; that are of a medical nature and must be supplied to the patient for his health, medical or physical well being. Such expenses do not include those expenses that are reimbursable from insurance benefits or can be reasonably obtained from welfare agencies, health maintenance organizations, free clinics, or other free private or governmental sources. The existence and necessity of such unusual and exceptional circumstances must be attested to in writing, by the institution superintendent, that those expenses resulting therefrom are an integral part of the patient's treatment plan and that allowance for such circumstances is necessary for the medical and/or mental well-being of the patient. Upon such written certification, the resources necessary to meet the unusual and exceptional circumstances will not be considered as an asset available to the estate of the patient and responsible relatives for these purposes: PROVIDED, That any such attestation by the institution superintendent must conform with the eligibility criteria of Medicaid if the patient is eligible or potentially eligible for such benefits.

NEW SECTION

WAC 275-16-085 OTHER PERTINENT FACTORS. In considering other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay, the determination officer may consider those factors related to the well-being, education and training, child support obligations set by court order or by administrative finding under chapter 74.20A RCW, and/or rehabilitation of the patient and his or her immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives must show the existence and the necessity for the pertinent factors as defined. Upon such a showing, the determination officer may consider such resources necessary to reasonably provide for such pertinent factors as assets not available to the estate of the patient and responsible

relatives: PROVIDED, That any allowance for other pertinent factors must not conflict with Medicaid eligibility requirements for those patients who are eligible or potentially eligible for such benefits.

NEW SECTION

WAC 275-16-095 FAILURE TO COOPERATE WITH DEPARTMENT. Any patient, former patient, guardian, or other responsible party or parties who, after diligent effort by the department, has been shown to have failed to cooperate with the financial investigation by the department; or fails to comply with, or ignores, departmental correspondence; or supplies false or misleading information; or willfully conceals assets or potential assets; will be subject to a determination by the department that the estate of the patient and responsible relatives has the ability to pay full hospitalization charges: PROVIDED, That no person adjudged incompetent by a court of this state at the time of said investigation shall be penalized by his or her actions: PROVIDED FURTHER, That such a finding of liability to pay full hospitalization charges shall in no way diminish the responsible party's right to appeal such a finding of responsibility.

NEW SECTION

WAC 275-16-105 PETITION FOR REVIEW. (1) After a finding of responsibility becomes final in accordance with RCW 71.02.413, the responsible party may petition for a review of such findings to the secretary. The petitioner must show a substantial change in the financial ability of the estate to pay the charges in a petition for review. The burden of proof of a change in financial ability rests with the petitioner.

(2) A petition for review shall be in writing and to the following address:

Secretary, DSHS
Attn: Determination Officer
P.O. Box 9768
Olympia, WA 98504

(3) The determination officer, upon receipt of the petition for review, may conduct or cause to have conducted such investigation as may be necessary to verify the alleged changes in financial status or to determine any other facts which would bear upon the financial ability of the estate to pay.

(4) Based upon the review of the facts, the determination officer may modify or vacate the NFR under the provisions of RCW 71.02.415.

(5) The NFR will not be modified or vacated, if such modification or vacation inflicts or causes the loss of Medicaid eligibility; jeopardizes the eligibility for other third-party benefits; or has the potential end result of diminishing or jeopardizing the recovery of hospitalization cost by the department without a clear showing of real benefit, financial or otherwise, to the patient and/or responsible relatives.

(6) Nothing herein is intended to preclude the re-investigation and/or review of the finding of responsibility by the department of its own volition.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-16-040 FACTORS IN DETERMINING ABILITY TO PAY.

**WSR 81-04-033
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1593—Filed February 2, 1981]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-28-480 Use of income and income potentials—Types of income—Effect on need.

Amd ch. 388-54 WAC Food stamps.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary to comply with P. L. 96-222.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose recurrent income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

(3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall

be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment.

((4) ((Deleted

((5) (5))) Irregular income up to five dollars per month received by an applicant may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

((6) Deleted

((7) Deleted))

(5) Earned income credit (EIC) payments for the tax year beginning January 1, 1980 shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

((8)) (6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

((9)) (7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

((10)) (8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 1496, filed 3/21/80)**WAC 388-54-725 INCOME—DEFINITIONS.****(1) Earned income shall include:**

(a) All wages and salaries of an employee.
 (b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of 20 hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state or local governments, such as WIN or CETA, to the extent they are not a reimbursement.

(d) ((Advance)) Payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance or other assistance programs based on need.

(b) An annuity, pension, retirement, veteran's or disability benefit, workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.

(c) The total payment to a household on behalf of a legally-assigned foster child or adult.

(d) Support and alimony payments from nonhousehold members made directly to the household.

(e) Scholarships, educational grants (including loans on which repayment is deferred), fellowships and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period which it is intended to cover.

(f) Payments received from government sponsored programs.

(g) Dividends, interest, royalties and all other direct money payments which are gain or benefit.

(h) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

(3) The following items shall be disregarded as income:

(a) Moneys withheld voluntarily or involuntarily from an assistance payment, earned income or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1492, filed 3/7/80)**WAC 388-54-735 INCOME—EXCLUSIONS.**

The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for those individuals who were receiving public assistance or food stamps at the time they joined VISTA and for those households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

(6) Payments from the Special Crisis Intervention Program.

(7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Money((s)) received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds((, an earned income tax credit (FIC) ((EIC)) payment,)) and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant which must be used for educational purposes regardless of the fact that the grantee must perform services to obtain the grant.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit:

Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Money((s)) that ((are)) is legally obligated and otherwise payable to the household, but which ((are)) is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Money((s)) received and used for the care and maintenance of a third-party beneficiary who is not a

household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) ((Deleted)) Money received as a department of housing and urban development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(19) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program.

WSR 81-04-034
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1594—Filed February 2, 1981]

I, N. Spencer Hammond, Ex. Assist. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to low-income supplemental energy allowance, amending WAC 388-29-290.

I, N. Spencer Hammond, Ex. Assist., find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary to comply with PL 96-223.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services, as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.
By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1498,
filed 4/16/80)

WAC 388-29-290 LOW-INCOME ((SUPPLEMENTAL)) ENERGY ASSISTANCE ALLOWANCE. The department, acting as an agent of the Washington state planning and community affairs agency within the limits of DSHS Contract No. 9147-APE-28267, will implement a portion of the low income energy assistance program. The following delineates the rules applicable to that portion of the program:

(1) The low-income ((supplemental)) energy assistance allowance is a one-time ((federal)) payment to an energy payment assistance unit intended to reduce the burden of the high cost of energy for the ((1979-1980)) 1980-1981 winter.

(2) An energy payment assistance unit is defined as a group of food stamp ((head of)) households and/or AFDC, SSI, GA-U, or ((IRAP)) Refugee Assistance payees who have common CSO and basic case numbers.

(3) ((Only)) Energy payment assistance units who ((were authorized to receive food stamp benefits or AFDC, GA-U, or IRAP grants for January 1980)):

(a) Were on the December 1, 1980 warrant roll, and
(b) Have correctly completed and returned an energy assistance application, and

(c) Have incomes at or below one hundred twenty-five percent of Community Services Administration (CSA) poverty level, and

(d) Are vulnerable to rising energy costs as defined by 45 CFR Part 210, and

(e) Whose energy application substantiates they are vulnerable, will be eligible for ((supplemental)) energy assistance allowances.

((4)) Energy payment assistance units known to be receiving SSI during January 1980 will not be eligible for supplemental energy allowances.

((5)) (4) A recipient residing in foster care, a group home for developmentally disabled, nursing home, congregate care facility or an institution for the mentally retarded will not be eligible for an ((supplemental)) energy assistance allowance.

((6)) (5) The ((supplemental)) energy assistance allowance standards shall be the rates established by the ((department)) Washington state planning and community affairs agency.

((7)) (6) A recipient may request an administrative review by the Washington state planning and community affairs agency regarding denial or underpayment of an ((supplemental)) energy assistance allowance no later than ((March)) May 31, ((1980)) 1981.

((8)) (7) No ((supplemental)) energy assistance allowance payments will be made after June 30, ((1980)) 1981.

((9)) (8) Energy payments made under Title III Public Law ((96-126)) 96-223 shall be exempt as income and resources for all public assistance programs

and food stamps. ((These payments include DSHS supplemental energy allowance payments, special SSI energy payments, and payments from the energy crisis assistance program.))

((10)) These rules shall be effective January 1, 1980.)

WSR 81-04-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services, intends to adopt, amend, or repeal rules concerning low-income supplemental energy allowance, amending WAC 388-29-290.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mail Stop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 4, 1981. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, March 18, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 25, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1981, and/or orally at 10:00 a.m., Wednesday, March 18, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 29, 1981
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend: WAC 388-29-290.

Purpose of the rule or rule change is to implement the 1980-81 low income energy assistance allowance.

The reason(s) these rules are necessary is to comply with PL 96-223.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change:

The following changes to WAC 388-29-290 are required by passage of Title III Public Law 96-223 and approval of the state plan: DSHS will act as the agent of the Planning and Community Affairs Agency (PCAA) to implement a portion of the Low Income Energy Assistance Program. The WAC refers to only that portion of the program.

There will be an application process to determine eligibility.

Only those households on the December 1, 1980, warrant roll will receive an application from DSHS.

Changes in eligibility criteria include:

SSI households are eligible

only those households at or below 125% of poverty level are eligible

households must be vulnerable to rising energy costs and substantiate on application.

PCAA will be responsible for administrative review.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Joan Gross

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-4913

Mail Stop: OB-31C

The person or organization (if other than DSHS) who proposed these rules is: None

These rules are necessary as a result of Federal law: The Home Energy Assistance Act of 1980 (94 Stat. 288; 42 U.S.C. Sec. 8601 et seq.).

AMENDATORY SECTION (Amending Order 1498, filed 4/16/80)

WAC 388-29-290 LOW-INCOME ((SUPPLEMENTAL)) ENERGY ASSISTANCE ALLOWANCE. The department, acting as an agent of the Washington state planning and community affairs agency within the limits of DSHS Contract No. 9147-APE-28267, will implement a portion of the low income energy assistance program. The following delineates the rules applicable to that portion of the program:

(1) The low-income ((supplemental)) energy assistance allowance is a one-time ((federal)) payment to an energy payment assistance unit intended to reduce the burden of the high cost of energy for the ((1979-1980)) 1980-1981 winter.

(2) An energy payment assistance unit is defined as a group of food stamp ((head of)) households and/or AFDC, SSI, GA-U, or ((IRAP)) Refugee Assistance payees who have common CSO and basic case numbers.

(3) ((Only)) Energy payment assistance units who ((were authorized to receive food stamp benefits or AFDC, GA-U, or IRAP grants for January 1980)):

- (a) Were on the December 1, 1980 warrant roll, and
- (b) Have correctly completed and returned an energy assistance application, and
- (c) Have incomes at or below one hundred twenty-five percent of Community Services Administration (CSA) poverty level, and
- (d) Are vulnerable to rising energy costs as defined by 45 CFR Part 210, and
- (e) Whose energy application substantiates they are vulnerable,

will be eligible for ((supplemental)) energy assistance allowances.

((4)) Energy payment assistance units known to be receiving SSI during January 1980 will not be eligible for supplemental energy allowances.

((5)) (4) A recipient residing in foster care, a group home for developmentally disabled, nursing home, congregate care facility or an institution for the mentally retarded will not be eligible for an ((supplemental)) energy assistance allowance.

((6)) (5) The ((supplemental)) energy assistance allowance standards shall be the rates established by the ((department)) Washington state planning and community affairs agency.

((7)) (6) A recipient may request an administrative review by the Washington state planning and community affairs agency regarding denial or underpayment of an ((supplemental)) energy assistance allowance no later than ((March)) May 31, ((1980)) 1981.

((8)) (7) No ((supplemental)) energy assistance allowance payments will be made after June 30, ((1980)) 1981.

((9)) (8) Energy payments made under Title III Public Law ((96-226)) 96-223 shall be exempt as income and resources for all public assistance programs and food stamps. ((These payments include DSHS supplemental energy allowance payments, special SSI energy payments, and payments from the energy crisis assistance program.))

((10)) These rules shall be effective January 1, 1981.)

WSR 81-04-036 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-28-480 Use of income and income potentials—
Types of income—Effect on need.

Amd ch. 388-54 WAC Food stamps.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 4, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, March 18, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 25, 1981, in William B. Pope's Office, 4th floor, Office Building #2, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1981, and/or orally at 10:00 a.m., Wednesday, March 18, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 30, 1981
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend: WAC 388-28-480 and chapter 388-54 WAC.

Purpose of the rule or rule change is to bring rules on the earned income credit into conformity with federal law.

The reason(s) these rules are necessary is to comply with P. L. 96-222.

Statutory authority: RCW 74.04.510.

Summary of the rule or rule change: Public Law 96-222, The Technical Corrections Act of 1979, amending the Social Security Act, requires that earned income credit (EIC) payments are considered earned income during the month received both when received as advance payments and when received as a tax refund. The following WAC sections are revised:

WAC 388-28-480(7) requires the department to consider EIC payments during the month received as earned income retroactively to January 1, 1980;

WAC 388-54-725 deletes the word "Advance" as all EIC payments must be considered earned income;

WAC 388-54-725(12) deletes the phrase "an earned income tax credit (EIC) payment" since Public Law 96-222 requires its consideration as earned income rather than a single non-recurrent lump sum payment. Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Mick Determan.

Title: Program Manager.

Office: Bureau of Income Maintenance.

Mailstop: OB-31 C.

Phone: 3-4381.

The person or organization (if other than DSHS) who proposed these rules is: None. These rules are necessary as a result of a Federal Law: P. L. 96-222, SSA-AT-79-22 (OFA), SSA-AT-77-1 (OFA), SSA-AT-77-25 (APA), SSA-AT-186 (APA).

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose recurrent income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly,

except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

(3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment.

(4) ((Deleted))

((5) ((Deleted))) Irregular income up to five dollars per month received by an applicant may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

((6) ((Deleted)))

(5) Earned income credit (EIC) payments for the tax year beginning January 1, 1980 shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

((6) ((Deleted))) (6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

((7) ((Deleted))) (7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, including cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

((8) ((Deleted))) (8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 1496, filed 3/21/80)

WAC 388-54-725 INCOME—DEFINITIONS. (1) Earned income shall include:

(a) All wages and salaries of an employee.

(b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of 20 hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state or local governments, such as WIN or CETA, to the extent they are not a reimbursement.

(d) ((Advanced)) Payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance or other assistance programs based on need.

(b) An annuity, pension, retirement, veteran's or disability benefit; workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.

(c) The total payment to a household on behalf of a legally-assigned foster child or adult.

(d) Support and alimony payments from nonhousehold members made directly to the household.

(e) Scholarships, educational grants (including loans on which repayment is deferred), fellowships and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period which it is intended to cover.

(f) Payments received from government sponsored programs.

(g) Dividends, interest, royalties and all other direct money payments which are gain or benefit.

(h) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

(3) The following items shall be disregarded as income:

(a) Moneys withheld voluntarily or involuntarily from an assistance payment, earned income or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1492, filed 3/7/80)

WAC 388-54-735 INCOME—EXCLUSIONS. The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I (VISTA) to volunteers shall be excluded for those individuals who were receiving public assistance or food stamps at the time they joined VISTA and for those households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

(6) Payments from the Special Crisis Intervention Program.

(7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education, including

correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Money((s)) received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds((, an earned income tax credit (EIC) ((EIC)) payment,)) and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant which must be used for educational purposes regardless of the fact that the grantee must perform services to obtain the grant.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit:

Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Money((s)) that ((are)) is legally obligated and otherwise payable to the household, but which ((are)) is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Money((s)) received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) ((Deleted)) Money received as a department of housing and urban development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(19) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program.

WSR 81-04-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services, intends to adopt, amend, or repeal rules concerning Standards for additional requirements under specified circumstances—Daily restaurant meals, repealing WAC 388-29-170.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 4, 1981. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, March 18, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 25, 1981, in William B. Pope's office, 4th Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1981, and/or orally at 10:00 a.m., Wednesday, March 18, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 30, 1981
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Repeal: WAC 388-29-170.

Purpose of the rule or rule change is to eliminate daily restaurant meals from the AFDC and GAU programs.

The reason(s) these rules are necessary is that there is no program eligibility under which emergency daily restaurant meals can be granted.

Statutory Authority: RCW 74.08.090.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Gerry Nelson.
Title: Program Manager.
Office: Bureau of Income Maintenance.
Mailstop: OB-31 C.
Phone: 3-3177.
The person or organization (if other than DSHS) who proposed these rules is: None.
These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS.

WSR 81-04-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed February 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services, intends to adopt, amend, or repeal rules concerning liability for costs of care and hospitalization of the mentally ill, amending chapter 275-16 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 4, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, March 18, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 25, 1981, in William B. Pope's office, 4th floor, Office Building #2, Olympia, Washington.

The authority under which these rules are proposed is RCW 71.02.412.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1981, and/or orally at 10:00

a.m., Wednesday, March 18, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 30, 1981
By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend: Chapter 275-16 WAC.

Purpose of the rule change is to provide guidelines for determining liability for the cost of care and hospitalization of the mentally ill.

Reason this rule change is necessary is to comply with RCW 71.02.412.

Statutory authority: RCW 71.02.412.

Summary of rule change: This change establishes definitions, standards, and procedures for the department to make a determination of liability for the cost of care and hospitalization of the mentally ill.

Person responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Albert S. Loyd.

Title: Chief Investigator.

Office: Reimbursements Section.

Phone: 4-2674.

These rules are not necessary as a result of federal laws, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1270, filed 2/17/78)

WAC 275-16-010 AUTHORITY. (((+))) The following rules regarding hospitalization charges are hereby adopted under the authority of Title 71 RCW.

((+)) "Hospitalization" includes treatment, transportation, examination, diagnosis, care, detention, training, pharmaceutical services, out-patient services and other services provided for patients needing mental health treatment.))

NEW SECTION

WAC 275-16-015 DEFINITIONS. (1) "Adjusted charges" are those charges levied upon a patient who is or has been confined to a state hospital for the mentally ill, either by voluntary or involuntary admission, and their estates and responsible relatives, which are less than the actual cost of hospitalization as reflected in the Schedule of Charges herein and which has been established by the issuance of a Notice of Finding of Responsibility.

(2) "Adjusted gross income" is that gross income of the estate of the patient and responsible relatives less any deductions, contributions or payments mandated by law including, but not necessarily limited to, income tax and social security.

(3) "Dependent" means any spouse, minor son or daughter, or permanently disabled son or daughter, of the patient living in the patient's household. If the patient is a minor, then the same definitions shall apply in determining the dependency of members of the parent's household. If a minor son or daughter is not living in the patient's household, that son or daughter shall not be considered a dependent unless the patient is in fact contributing more than fifty percent of that child's support in accordance with a court order or court-recognized agreement.

(4) "Department" means the department of social and health services.

(5) "Determination officer" is that duly appointed and qualified claims investigator who is delegated authority by the secretary to conduct or cause to have conducted an investigation of the financial condition of the estate of the patient and responsible relatives; to evaluate

the results of such investigations; to make determinations of the ability to pay hospitalization charges from such investigations and evaluations; and to issue Notices of Findings of Responsibility to the responsible parties.

(6) "Estate of patient and responsible relative" means the total assets available to the patient and his responsible relatives to reimburse the department for hospitalization charges incurred by the patient in a state hospital for the mentally ill in accordance with these regulations.

(7) "Gross income" means the total assets available to the estate of the patient and responsible relatives expressed in terms of their cash equivalent on a monthly basis. It includes gross wages for service; net earnings from self-employment; and all other assets of the estate prior to any mandatory deductions.

(8) "Secretary" means the secretary of the department of social and health services.

NEW SECTION

WAC 275-16-035 AVAILABLE ASSETS OF ESTATE OF PATIENTS AND RESPONSIBLE RELATIVES. (1) The department will include, but not necessarily be limited to, in their determination of the assets of the estates of present and former patients of state hospitals for the mentally ill and their responsible relatives, cash, stocks, bonds, savings, security interests, insurance benefits, guardianship funds, trust funds, governmental benefits, pension benefits and personal property.

(2) Real property shall also be an available asset to the estate: PROVIDED, That the patient's home shall not be considered an available asset if that property is owned by the estate and serves as the principal dwelling and actual residence of the patient, the patient's spouse, and/or minor children and disabled sons or daughters: PROVIDED FURTHER, That if the home is not being used for residential purposes by the patient, the patient's spouse, and/or minor children and disabled sons or daughters, and in the opinion of two physicians, there is no reasonable expectancy that the patient will be able to return to the home during the remainder of his life, the home shall be considered an asset available to the estate.

(3) In determining if a particular asset is available to the estate of a patient who is eligible or potentially eligible for Medicaid, the determination officer will apply the standards of WAC 388-92-045.

NEW SECTION

WAC 275-16-055 NOTICE OF FINDING OF RESPONSIBILITY (NFR). The determination officer's assessment of the ability and liability of the estate to pay hospitalization charges shall be issued in the form of a Notice of Finding of Responsibility, hereinafter referred to as an NFR, as prescribed by RCW 71.02.413. The NFR will be served upon those responsible parties as otherwise required by law, will indicate the charges being assessed, and explain the procedure for appeal therefrom. When the NFR is for full hospitalization charges as specified in WAC 275-16-030, the financially responsible person will be informed of the current charges and that those charges are periodically recomputed by the department in accordance with RCW 71.02-410. When the NFR is for adjusted charges, those charges will be expressed in a daily rate. Charges for ancillary services will be set aside when the NFR is for adjusted charges.

NEW SECTION

WAC 275-16-065 DETERMINATION OF LIABILITY. (1) In determining the ability of the estate of the patient and responsible relative to pay hospitalization charges, first priority shall be given to any third party benefits which might be available. The availability of third party benefits, such as medical insurance, health insurance, Medicare, Medicaid, CHAMPUS, CHAMPVA, shall be considered as an available asset of the estate and shall justify a finding for actual costs of hospitalization during such period as the coverage is in effect.

(2) In the absence of third party benefits, charges shall be based upon the available assets of the estate giving consideration to any unusual and exceptional circumstances and other pertinent factors. No financial determination of the ability of the estate to pay hospitalization charges shall conflict with the eligibility requirements for Medicaid for those patients who are eligible or potentially eligible for such benefits.

(3) The ability of the estate to pay adjusted charges will be determined by applying the following formula:

$$X = (Z-E)F$$

where $Z = (A-Y-N-R) \div D$

Z = available income per family member
 X = adjusted charges (daily)

A = gross income

Y = mandatory deductions

N = allowance for unusual and exceptional circumstances

R = allowance for other pertinent factors

D = number of dependents

E = exempt income

F = a factor which converts the monthly figures to a daily rate (.0328767).

All calculations are expressed in monthly terms except the final adjusted charge which is converted to a daily rate. All final figures are rounded out to the nearest cent.

(4) The adjusted gross income ($A-Y$) is determined by first developing the gross income of the estate. Gross income (A) includes not only gross wages for services rendered, and/or net earnings from self-employment, but all other available assets converted to some reasonable monthly figure. All mandatory deductions (Y), such as income tax and social security, are deducted from the gross income to arrive at the adjusted gross income.

(5) Approved allowances for unusual and exceptional circumstances (N) and for other pertinent factors (R) are then subtracted from the adjusted gross income.

(6) The available income ($A-Y-N-R$) is then divided by the number of dependents in the household of the patient (D) to determine the available income per family member.

(7) Exempt income (E) as defined in WAC 275-16-045 is then subtracted from the available income per family member to arrive at the monthly adjusted charges.

(8) The monthly adjusted charges are multiplied by the factor of .0328767 which converts the monthly figure to a daily rate.

NEW SECTION

WAC 275-16-075 UNUSUAL AND EXCEPTIONAL CIRCUMSTANCES. Unusual and exceptional circumstances for these purposes will cover those expenses other than usual or common; rare and extraordinary; that are of a medical nature and must be supplied to the patient for his health, medical or physical well being. Such expenses do not include those expenses that are reimbursable from insurance benefits or can be reasonably obtained from welfare agencies, health maintenance organizations, free clinics, or other free private or governmental sources. The existence and necessity of such unusual and exceptional circumstances must be attested to in writing, by the institution superintendent, that those expenses resulting therefrom are an integral part of the patient's treatment plan and that allowance for such circumstances is necessary for the medical and/or mental well-being of the patient. Upon such written certification, the resources necessary to meet the unusual and exceptional circumstances will not be considered as an asset available to the estate of the patient and responsible relatives for these purposes: PROVIDED, That any such attestation by the institution superintendent must conform with the eligibility criteria of Medicaid if the patient is eligible or potentially eligible for such benefits.

NEW SECTION

WAC 275-16-085 OTHER PERTINENT FACTORS. In considering other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay, the determination officer may consider those factors related to the well-being, education and training, child support obligations set by court order or by administrative finding under chapter 74.20A RCW, and/or rehabilitation of the patient and his or her immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives must show the existence and the necessity for the pertinent factors as defined. Upon such a showing, the determination officer may consider such resources necessary to reasonably provide for such pertinent factors as assets not available to the estate of the patient and responsible relatives: PROVIDED, That any allowance for other pertinent factors must not conflict with Medicaid eligibility requirements for those patients who are eligible or potentially eligible for such benefits.

NEW SECTION

WAC 275-16-095 FAILURE TO COOPERATE WITH DEPARTMENT. Any patient, former patient, guardian, or other responsible party or parties who, after diligent effort by the department, has been shown to have failed to cooperate with the financial investigation by the department; or fails to comply with, or ignores, departmental correspondence; or supplies false or misleading information; or willfully conceals assets or potential assets; will be subject to a determination by the department that the estate of the patient and responsible relatives has the ability to pay full hospitalization charges: PROVIDED, That no person adjudged incompetent by a court of this state at the time of said investigation shall be penalized by his or her actions: PROVIDED FURTHER, That such a finding of liability to pay full hospitalization charges shall in no way diminish the responsible party's right to appeal such a finding of responsibility.

NEW SECTION

WAC 275-16-105 PETITION FOR REVIEW. (1) After a finding of responsibility becomes final in accordance with RCW 71.02.413, the responsible party may petition for a review of such findings to the secretary. The petitioner must show a substantial change in the financial ability of the estate to pay the charges in a petition for review. The burden of proof of a change in financial ability rests with the petitioner.

(2) A petition for review shall be in writing and to the following address:

Secretary, DSHS
 Attn: Determination Officer
 P.O. Box 9768
 Olympia, WA 98504

(3) The determination officer, upon receipt of the petition for review, may conduct or cause to have conducted such investigation as may be necessary to verify the alleged changes in financial status or to determine any other facts which would bear upon the financial ability of the estate to pay.

(4) Based upon the review of the facts, the determination officer may modify or vacate the NFR under the provisions of RCW 71.02.415.

(5) The NFR will not be modified or vacated, if such modification or vacation inflicts or causes the loss of Medicaid eligibility; jeopardizes the eligibility for other third-party benefits; or has the potential end result of diminishing or jeopardizing the recovery of hospitalization cost by the department without a clear showing of real benefit, financial or otherwise, to the patient and/or responsible relatives.

(6) Nothing herein is intended to preclude the reinvestigation and/or review of the finding of responsibility by the department of its own volition.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-16-040 FACTORS IN DETERMINING ABILITY TO PAY.

WSR 81-04-039

EMERGENCY RULES

COMMISSION ON EQUIPMENT

[Order 81-01-02—Filed February 3, 1981]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to flashing amber lamps, amending chapter 204-38 WAC.

We, the Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements

of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in many limited access heavy traffic volume freeway areas, animal control vehicles are frequently called by law enforcement agencies to remove injured animals. These vehicles and their operators need the immediate protection offered by the amendment to preserve their safety, having removed their illegal red lamps in compliance with the law.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 36.37.280 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 16, 1981.

By Lt. R. C. Dale
Secretary

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-030 DEFINITIONS. (1) "Flashing" lamps shall include those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicles engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

(6) "Animal control vehicles" shall mean those vehicles, either publicly or privately owned, which are used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-040 MOUNTING OF LAMPS. One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, ((and)) tow trucks, and animal control vehicles. The lamp(s) shall be mounted and shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and WAC 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-050 USE OF LAMPS. Flashing amber lamps shall be used on the vehicles described in WAC 204-38-((050))040 only when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. The lamps permitted by this chapter shall be of a type approved by the Commission on Equipment.

WSR 81-04-040
PROPOSED RULES
COMMISSION ON EQUIPMENT

[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment, intends to adopt, amend, or repeal rules concerning towing businesses, amending chapter 204-66 WAC;

that such agency will at 1:30 p.m., Friday, April 17, 1981, in the 1st floor large conference room, General Administration Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, April 17, 1981, in the 1st floor large conference room, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 46.61.567.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 1:30

p.m., Friday, April 17, 1981, 1st floor large conference room, General Administration Building, Olympia.

Dated: February 3, 1981
By: Lt. R. C. Dale
Secretary

STATEMENT OF PURPOSE

Title: WAC 204-66-180.

Description of Purpose: To require that the rates charged by tow operators which are required to be filed with the Commission on Equipment and the Washington State Patrol must be filed on a form approved by the commission. To require that towing rates charged to the customer must be charged in the manner prescribed by the approved form and that such charges are limited to those set forth on the form.

Statutory Authority: RCW 46.61.567.

Summary or Rule: Same as Description of Purpose above.

Reasons supporting proposed action: At the present time tow operators are not required to use a standardized form. Rates are filed on paper of all sizes, in haphazard order and in categories not comparable to any other given tow operator. Consistency is necessary for investigation by the commission of complaints received by the public.

Agency personnel responsible for:

Drafting: Lieutenant R. C. Dale, Secretary, Commission on Equipment, Mr. Kevin Ryan, Assistant Attorney General.

Implementation: Commission on Equipment. Enforcement: Commission on Equipment.

Person or organization proposing rule and whether public, private or governmental: The rule was proposed by Mr. Roger Stubbs, Stubbs Towing, Seattle; Mr. Gary Peterson, Pete's Towing, Kent; Mr. Ken Nikko, Ken's Towing, Bellevue; Mr. Les Faber, Mt. Vernon Towing, Mt. Vernon, all private organizations; and Lieutenant R. C. Dale, Secretary, Commission on Equipment, governmental.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

This rule is not necessary as a result of a federal law or a federal or state court decision.

AMENDATORY SECTION (Amending Order 7720H, Filed 8/31/79)

WAC 204-66-180 VEHICLE TOWING OPERATOR QUALIFICATIONS. In addition to WAC 204-66-160, tow truck operators appointed to perform towing services pursuant to this regulation shall observe the following practices and procedures:

- (1) When called by the patrol, the tow truck operator will dispatch a tow truck within five minutes during normal business hours.
- (2) Tow trucks dispatched at the request of the patrol after normal business hours, will be on the move within the assigned zone within ten minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance and traffic conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time, the tow truck operator shall so advise the patrol. In the event the tow truck does not arrive at the scene within a reasonable time, the patrol will contact another tow business to perform the necessary services.

(5) A tow operator on rotation who is unable to dispatch within the time stated in WAC 204-66-180, paragraphs 1, 2, 3, and 4, will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator will advise the patrol when he receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on the public roadway. The tow operator also will advise the patrol of all traffic accidents on private property resulting in bodily injury or death when the operator has received a private call for a tow at such an accident.

(8) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(9) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol or the driver/owner or his agent.

(10) The tow operator shall be available twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and non-business hours. A copy will also be sent to the secretary of the commission and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the secretary of the commission and district commander ten days before their effective date.

(11) The tow operator shall have a secure storage area for the vehicles stored by the operator at the request of the patrol. Such storage area shall comply with the Department of Licensing requirements for registered disposers (WAC 308-61-110).

(12) Tow operators will notify the appropriate patrol office of the release of stored vehicles within five work days after the release of such vehicle. Notification to the patrol will be made in such a manner prescribed by the district commander of the area concerned.

(13) Tow operators will post current towing service rates in a conspicuous place at the company's place of business and shall list such rates on a form approved by the commission. A copy of the current rates will be sent to the secretary of the commission and patrol district commander of the district in which the tow operator has applied for a letter of appointment. Any change(s) in service rates will be forwarded to the district commander of the area and to the secretary of the commission ten days prior to the proposed change(s). All charges made for towing services arising from calls issued by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(14) If the commission receives written complaints from towing customers or the patrol concerning commission appointed tow business alleging "price gouging," "over-charging," charging for services not received, and other such pricing abuses and/or any improprieties, it will cause such allegations to be investigated by the patrol; and, if such abuses are established, the letter of appointment of any such business may result in the suspension, revocation, or denial of the letter of appointment by the commission.

(15) Tow operators will maintain, for one year, records on towed and released vehicles which were towed at the request of the patrol. This record will include but not be limited to:

- (a) An itemized receipt of charges to the claimant of the vehicle.
- (b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the tow truck driver.

Such records will be available for inspection by the patrol during normal business hours at the appointee's place of business for which the letter of appointment has been issued.

(16) The tow truck driver will sign an inventory sheet made out by the trooper at the scene of the tow and receive a copy.

(17) Tow operators will obtain and maintain current registration as a disposer by the Department of Licensing pursuant to chapter 308-61 WAC and chapter 178, 1st extraordinary session, Laws of 1979.

(18) Each towing operator shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody pursuant to this regulation, until he releases or otherwise disposes of it. Each towing operator shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the towing firm.

The commission shall be notified within ten days of any change which leaves the tow operator without the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the secretary of the commission. The insurer shall notify the commission within five days if the policy is canceled.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator or his employee or agent shall misappropriate, wrongfully convert to his own use or abuse any property entrusted to his care or storage as a result of performing towing services or for the benefit of a towing service customer.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 81-04-041
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment, intends to adopt, amend, or repeal rules concerning flashing amber lamps, amending chapter 204-38 WAC;

that such agency will at 1:30 p.m., Friday, April 17, 1981, in the 1st floor large conference room, General Administration Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, April 17, 1981, in the 1st floor large conference room, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 46.37.280.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 1:30 p.m., Friday, April 17, 1981, 1st floor large conference room, General Administration Building, Olympia.

Dated: February 3, 1981
By: Lt. R. C. Dale
Secretary

STATEMENT OF PURPOSE

Chapter 204-38 WAC – Flashing Amber Lamps.

To permit flashing lamps on certain vehicles not otherwise permitted by statute.
RCW 46.37.280.

Includes animal control vehicles in those classes of vehicles permitted to use flashing amber lamps.

Vehicles used by humane societies, animal shelters, veterinarians, and other publicly owned vehicles used primarily for the purpose of transporting animals frequently are in need of warning lamps to warn approaching motorists when removing dead, injured or endangered animals from the public roadway.

Lieutenant R. C. Dale, Secretary, Commission on Equipment.

Commission on Equipment.

Lieutenant R. C. Dale, Secretary, Commission on Equipment.

Governmental.

Many animal control vehicles, because of traffic speed and congestion, are presently using red emergency vehicle warning lamps which is statutorily prohibited. Conditions do require that a sufficient warning be given to other motorists, so the use of some type warning lamp is a necessity. Most of the vehicles mentioned would not qualify for authorized emergency vehicle permits, therefore, inclusion into this rule is the most expeditious way to accomplish the needed warning. It is also the best fiscally, as a simple change of lens will change colors.

The rule amendment is not a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 80-05-2, filed May 28, 1980)

WAC 204-38-030 DEFINITIONS. (1) "Flashing" lamps shall include those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicles engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

(6) "Animal control vehicles" shall mean those vehicles, either publicly or privately owned, which are used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-05-2, filed May 28, 1980)

WAC 204-38-040 MOUNTING OF LAMPS. One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, ((and)) tow trucks, and animal control vehicles. The lamp(s) shall be mounted and

shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and WAC 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

AMENDATORY SECTION (Amending Order 80-05-2, filed May 28, 1980)

WAC 204-38-050 USE OF LAMPS. Flashing amber lamps shall be used on the vehicles described in WAC 204-38-((050))040 only when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. The lamps permitted by this chapter shall be of a type approved by the Commission on Equipment.

WSR 81-04-042

**ADOPTED RULES
STATE PATROL**

[Order 81-1—Filed February 3, 1981]

Be it resolved by the Washington State Patrol, acting at the General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to disability retirements, applications, decisions and appeals, amending chapter 446-40 WAC.

This action is taken pursuant to Notice No. WSR 81-01-064 filed with the code reviser on December 16, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Patrol as authorized in RCW 43.43.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 28, 1981.

By Col. R. W. Landon
Chief, Washington State Patrol

AMENDATORY SECTION (Amending Order 4, filed 2/27/76)

WAC 446-40-070 THE BOARD—RESPONSIBILITIES AND FUNCTIONS. (1) The Board shall consist of four members appointed by the Chief, three of whom shall be appointed annually and ((shall include the Personnel Officer)) one of the three shall be appointed as chairperson. The fourth member shall be appointed each time the Board is convened and shall be of the same rank as the member whose case the Board is hearing.

(2) The Board shall inquire into all pertinent matters relating to the disability retirement questions before the Board.

(3) The Board shall obtain and review reports or testimony of mental or physical examinations of the member and shall advise the Chief whether, in its opinion, the member is mentally or physically capable of continuing in active service or of resuming active service.

(4) When reviewing the case of a member in disability retirement status, the Board shall recommend whether disability retirement should be continued or whether the member shall be directed to return to active duty.

(5) When reviewing an application by a member ((of for)) or the Personnel Officer for disability retirement status, the Board shall recommend whether the Chief should deny or grant the application.

(6) When the Board recommends that a member presently in disability retirement status should return to active duty, or that a request for disability retirement should be denied, the Board shall also make findings based on the evidence before it whether the member is physically or mentally capable of performing any specific assignment while on active duty. Where the Board finds the member has a physical or mental impairment or disability, it shall describe such impairment or disability and the expected duration thereof, and shall recommend specific job assignments within the department which the member is mentally and physically capable of performing in his/her present condition.

(7) When the Board recommends that the application for disability retirement status should be granted, it shall also determine whether the departmental member was injured or incapacitated while in the performance of his/her official duties or while on standby or available for duty.

WSR 81-04-043

**ADOPTED RULES
COMMISSION ON EQUIPMENT**

[Order 81-01-01—Filed February 3, 1981]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to authorized emergency vehicle permits, amending chapter 204-36 WAC.

This action is taken pursuant to Notice No. WSR 80-17-013 filed with the code reviser on November 12, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.005 and 46.37.194 which directs that the Washington State Commission on Equipment has authority to implement the provisions of RCW 46.37.194.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 16, 1981.
By Lt. R. C. Dale
Secretary

AMENDATORY SECTION (Amending Order 7501A, filed 2/7/79)

WAC 204-36-060 PROCEDURE. (1) If the Commission approves the application, it shall first issue a certificate of approval which shall be valid for thirty days, during which time the emergency equipment may be installed. After installation of the emergency equipment, the applicant shall bring the vehicle to a district or detachment office of the Washington State Patrol to be examined to determine if it is of an approved type. A Washington State Patrol officer shall certify the results of this examination on a form prescribed and provided by the Commission and the applicant shall file the form with the State Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504. Upon receipt of such certification, the Commission shall issue a permit, which shall expire one year from the date of issuance thereof.

(2) The Commission may refuse to approve the application, certificate or permit or in the case of an application which lists multiple operators may refuse to approve any single operator if the applicant/operator has been convicted of a felony during the last ten years preceding the date of the application and if the felony for which the applicant was convicted directly relates to the specific occupation, trade, vocation, or business for which the certificate or permit is sought.

((†)) (3) The certificate of approval and when issued, the permit, including all endorsements for change of conditions as provided in WAC 204-36-030, shall be carried in the authorized emergency vehicle at all times, and shall be displayed on request to any law enforcement officer.

**WSR 81-04-044
PROPOSED RULES
STATE BOARD OF EDUCATION**
[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning school accreditation, adopting chapter 180-55 WAC;

that such agency will at 9:00 a.m., Thursday, March 19, 1981, in the Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, March 20, 1981, in the Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502.

The authority under which these rules are proposed is RCW 28A.04.120(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1981, and/or orally at 9:00 a.m., Thursday, March 19, 1981, Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502.

Dated: February 3, 1981
By: Wm. Ray Broadhead
Secretary

STATEMENT OF PURPOSE

Rule title: WAC 180-55-005 through 180-55-135, School Accreditation.

Description of purpose: To implement a voluntary system of accreditation for all schools, K-12, public and private.

Statutory authority: RCW 28A.04.120(4).

Summary of rule: Provides a K-12 school accreditation system for voluntary participation by both private and public schools and establishes self-study or assessment against set standards as optional procedures to accredited status for schools.

Reasons supporting proposed action: RCW 28A.04.120(4) makes it the responsibility of the State Board of Education to provide such a system of school accreditation.

Agency personnel (name, office address, telephone) responsible for drafting, implementation and enforcement: Ken Bumgarner and Bill Everhart, Superintendent of Public Instruction, 7510 Armstrong St. S.W., Tumwater, WA 98504, Telephone: 753-6710.

Person/organization proposing rule:

Private Public Governmental

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: Heard informationally at the January meeting of State Board of Education with favorable reaction. Supported unanimously by the state-wide accreditation task force.

Necessary as result of federal law federal court action state court action (If so, attach copy of law or court decision). [No information supplied by agency]

Chapter 180-55 WAC
SCHOOL ACCREDITATION

NEW SECTION

WAC 180-55-005 STATUTORY AUTHORITY. Pursuant to provision of RCW 28A.04.120(4), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth.

NEW SECTION

WAC 180-55-010 INTENT AND PURPOSES. (1) Intent. It is the intent of the state board of education to establish accreditation procedures in which participation by schools is voluntary and by which such procedures:

(a) Enhance the quality of a school's educational program.

(b) Facilitate a comprehensive self-examination of the school including but not limited to: Program planning, program balance, human and material resources, services and facilities.

(c) Provide means whereby such self-examination may be validated by objective observers.

(d) Promote the subsequent implementation of an effective plan for program improvement.

(e) Provide maximum flexibility to the district and the school by making available different procedures for accreditation.

(f) Provide assurance to the public that students in an accredited elementary school have available a program containing a comprehensive foundation of knowledge and learning skills.

(g) Provide assurance to the public that students in an accredited middle school or junior high school have available a program containing an expanded and reinforced foundation of knowledge and learning skills, a variety of introductory and survey courses that offer exploratory opportunities to meet emerging individual student interests, and a suitable transitional experience designed to provide a bridge from elementary to secondary instructional organization.

(h) Provide assurance to the public that students in an accredited comprehensive secondary school have available a program in which they can prepare for the requirements of higher education and/or occupational opportunities.

(2) Purposes. The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

(a) Improve the general quality of the educational program at a school.

(b) Promote staff growth and commitment.

(c) Promote improved community awareness of and sensitivity to the school program.

(d) Provide a statement of accountability to the public.

(e) Fulfill such assessment and planning requirements as may exist.

NEW SECTION

WAC 180-55-015 DEFINITIONS. (1) An accredited school is a public or an approved private school that meets all statutory provisions for schools in the state of Washington and all regulations established by the state board of education, and one that has completed either self-study or standards-only accreditation procedures described by the state superintendent of public instruction pursuant to RCW 28A.04.120(4) and WAC 180-55-005 through 180-55-135.

(2) "Accredited" status shall be assigned to public or approved private schools that:

(a) Complete and meet fully the requirements for self-study accreditation procedures as described in WAC 180-55-040 through 180-55-065, or;

(b) Complete and meet substantially the requirements for standards-only accreditation procedures as described in WAC 180-55-070 through 180-55-135; or

(c) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools and Colleges (NWASC).

(3) "Self-study" shall mean an approved comprehensive set of needs-assessment and program improvement plan procedures as described in WAC 180-55-040 through 180-55-065.

(4) "Standards-only" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school as described in WAC 180-55-070 through 180-55-135.

(5) "Plan for program improvement" shall mean a formal document produced as a result of the self-study procedure for implementation at an accredited school.

(6) "Validation" shall mean an objective, external review of self-study or standards-only activities for the purposes of establishing their correctness, accuracy and thoroughness, and in the case of self-study accreditation procedures, an objective, external review of the plan for program improvement in terms of its feasibility of operation, as described in WAC 180-55-035.

(7) "Northwest Association of Schools and Colleges alternative" shall mean the secondary school accreditation activities provided through school membership in the NWASC and shall be accepted by the state board of education in lieu of state board accreditation procedures as described in WAC 180-55-025 through 180-55-135.

(8) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

NEW SECTION

WAC 180-55-020 COMPLIANCE WITH REQUIREMENTS FOR ENTITLEMENT TO BASIC EDUCATION ALLOCATION FUNDS OR APPROVED PRIVATE SCHOOL STATUS. (1) Public schools.

(a) District compliance. Compliance of a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education.

(b) School contribution to district compliance with requirements for entitlement to basic education allocation funds. Each school engaged in the state board of education's accreditation procedures must review the school's contribution to district compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225). Although these entitlement requirements are enforced at the district level rather than at the individual school, the intent of this review shall be to serve the following purposes:

(i) Increase the awareness of and familiarity with such entitlement requirements by staff and community members.

(ii) Identify those instances where district compliance is affected adversely by the school.

(iii) Prepare rationale or proposals for corrective action in such instances.

(c) Assessment of school compliance with supplemental program standards. Supplemental program standards (WAC 180-16-240), if unmet, do not affect basic education allocations to the district. At the school level, however, failure to comply with these standards may create an adverse impact on the instructional program. Therefore, each school engaged in the state board of education's accreditation procedures must review the school's compliance with these standards in order to serve the following purposes:

(i) Increase the awareness of and familiarity with supplemental program standards by staff and community members.

(ii) Identify those instances where district compliance is affected adversely by the school.

(iii) Prepare rationale or proposals for corrective action in such instances.

(2) Private schools. Compliance of a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's receipt of any accreditation status from the state board of education.

NEW SECTION

WAC 180-55-025 TYPES OF ACCREDITATION—CONDITIONS—EFFECTIVE PERIODS. (1) Self-study procedures:

(a) Standard accreditation — seven years, shall be granted to a school upon successful completion of self-study activities, adoption of a plan for program improvement based upon findings of the self-study, and validation of the self-study and the plan by an objective review process external to the school being considered for accreditation.

(b) Conditional accreditation, is limited to a one year period and shall be designated for a school where validation identifies minor omissions, inaccuracies or weaknesses in the accreditation procedures, the plan, or the school program, and which are not addressed in the plan. Should such omissions from the plan not be so addressed, or not be explained satisfactorily in terms of constraints on the district, during the one year term of this rating, the school will be reclassified downward in accreditation status.

(c) Probationary accreditation, is limited to a one year period, and shall be designated for a school where validation identifies major omissions, inaccuracies, or weaknesses in the accreditation procedures, the plan, or the school program, and which are either not addressed in the plan for program improvement or not explained satisfactorily in terms of constraints on the district, or, for schools where prior conditional rating has not been upgraded. If upgraded accreditation status is not achieved by the end of the one year period, the school will be reclassified as unaccredited.

(d) Unaccredited status shall be assigned to a participating school that fails to upgrade probationary accreditation status within the prescribed time, or to a participating school that has drastic inadequacies or omissions in major required self-study components or procedures.

(2) Standards-only procedures:

(a) Standard accreditation – two years, shall be granted to a school upon submission and approval of a standards-only accreditation document. Renewal of standard accredited status through continuing use of the appraisal procedure is required biennially.

(b) Conditional accreditation, is limited to a one year period, and shall be designated for a school where validation identifies minor deviations, omissions or weaknesses in the school program in the area(s) of the accreditation standards. Such status must be improved to standard accreditation the following year or the school will be reclassified downward in accreditation status.

(c) Probationary accreditation, is limited to a one year period, and shall be designated for a school where validation identifies major omissions, inaccuracies, or weaknesses in the school program in the area(s) of the accreditation standards, or, for a school where prior conditional rating has not been upgraded. If upgraded accreditation status is not achieved by the end of the one year period, the school will be reclassified as unaccredited.

(d) Unaccredited status is assigned to a participating school that fails to upgrade probationary accreditation status within the prescribed time limits or to a participating school that has drastic inadequacies or omissions in major standards.

(3) Nonparticipating schools. Schools electing not to participate in accreditation procedures will be considered as "nonparticipating."

NEW SECTION

WAC 180-55-030 ADMINISTRATION OF ACCREDITATION PROCEDURES. The following general procedures hereby are established to effect the state board of education's school accreditation program:

(1) Application. Application for school accreditation shall be made to the state superintendent of public instruction on or before the first day of November. Such application shall be submitted jointly by the appropriate officials of the school and school district in accordance with procedures and timelines established by the state superintendent. The state superintendent may place yearly limits on the number of schools authorized to participate in self-study accreditation procedures described in WAC 180-55-040 through 180-55-065.

(2) Self-studies, reviews, examinations. The state superintendent of public instruction shall direct a program of self-studies, reviews, and examinations as specified in WAC 180-55-040 through 180-55-135.

(3) Validations. The state superintendent of public instruction shall direct such validation activities as are necessary to implement WAC 180-55-035.

(4) Findings and recommendations. The state superintendent of public instruction upon determining whether the school meets statutory and state board of education requirements for accreditation shall submit his findings and recommendations to the state board of education.

NEW SECTION

WAC 180-55-035 VALIDATION OF ACCREDITATION ACTIVITIES. Validation of school accreditation activities shall be a necessary final step preceding the assignment of any accredited status to a school by the state board of education. Validation activities shall be conducted by persons external to the school and district concerned. Each school participating in a self-study accreditation procedure shall nominate three or more staff members for the state validation pool. Such persons may be called upon to serve as members of visiting teams assigned to validate other schools' self-study procedures and plans for program improvement. No persons so designated shall be required to serve as a visiting team member more than twice during the ensuing two years, after which the school's foregoing obligation expires.

Validation of either self-study or standards-only accreditation activities shall include a review of a public school's rationale or proposals for corrective action in instances where such a school adversely impacts a district's ability to comply with requirements for entitlement to basic education allocation funds (WAC 180-16-191 through 180-16-225) and/or supplemental program standards (WAC 180-16-240).

(1) Self-study accreditation validation. Validation of one of the three types of self-study accreditation activities described in WAC 180-55-050 through 180-55-065 and the subsequent plan for program improvement shall be administered by the state superintendent of public instruction and conducted by visiting teams appointed by the state superintendent. Such teams shall at least review and examine the following areas:

(a) The thoroughness and adequacy of the planning and preparation activities leading to the self-study.

(b) The levels of participation, comprehensiveness, and validity of the findings of the self-study.

(c) The feasibility and comprehensiveness of the plan for program improvement, with particular attention given to:

(i) Fiscal practicability.

(ii) The relationship between the self-study and the prioritized goals of the improvement plan.

(d) Evidence of appropriate implementation plans and activities including:

(i) Timeline.

(ii) Task and assignments; responsibilities.

(iii) Internal monitoring and evaluation procedures.

(iv) Feedback and revision procedures.

(2) Standards-only accreditation validation. Validation of standards-only accreditation activities shall be conducted by audit committees appointed by the state superintendent of public instruction. Such committees shall utilize such means and measures as the state superintendent deems appropriate to assess school compliance with pertinent accreditation standards.

SELF-STUDY ACCREDITATION

NEW SECTION

WAC 180-55-040 SELF-STUDY—APPROVAL TO PARTICIPATE. Approval to participate in self-study accreditation procedures must be obtained from the state superintendent of public instruction prior to beginning official activities. Such approval is contingent upon proper completion of the application procedures described in WAC 180-55-030(1) and is subject to participation limits authorized therein.

NEW SECTION

WAC 180-55-045 SELF-STUDY—TYPES. There shall be three types of self-study accreditation procedures:

(1) Input/standards assessment as described in WAC 180-55-055.

(2) Process/outcomes analysis as described in WAC 180-55-060.

(3) Self-designed as described in WAC 180-55-065.

NEW SECTION

WAC 180-55-050 SELF-STUDY—COMMON GUIDELINES. Each of the three types of state board of education's self-study accreditation procedures shall include at least the following:

(1) A coordinator generally responsible for the self-study.

(2) A steering committee generally responsible for guiding the self-study.

(3) Planned participation from the following individuals or groups: A district-level administrator, the principal, teachers, parents, and classified employees, and students (secondary only).

(4) The self-study shall be comprehensive in scope, with needs assessments conducted in the following areas: Instructional program, staff, services, materials and resources, and facilities.

(5) The product of the self-study procedure shall be a plan for program improvement which shall set priorities, identify constraints that may affect reaching the desired goals, include an implementation timeline, describe an internal monitoring process, and provide for revisions and periodic updating.

NEW SECTION

WAC 180-55-055 SELF-STUDY—INPUT/STANDARDS ASSESSMENT. Input/standards assessment (ISA) self-study accreditation procedures shall focus upon the resources applied to the school's total educational effort, consistent with school and district standards, priorities, and established goals. The input/standards assessment procedures shall emphasize the following:

(1) Standards for adequate resources. Those who are managing the self-study procedures shall identify, adapt, or develop standards of adequate resources for the areas being studied.

(2) Instructional program balance. The assessment of instructional program resources shall review program balance, comprehensiveness, and flexibility.

(3) Staffing balance. The survey of staff shall review staffing balance in terms of preparation, certification, experience, and special qualifications.

(4) Equitability of services. The assessment activities shall review the extent and appropriateness of services provided to students, parents, and staff.

(5) Facilities. Self-study procedures shall include an assessment of the suitability and adequacy of school facilities.

(6) Impact of resources. The assessment activity shall evaluate the impact of available resources on the ability of the school to meet identified standards, priorities, and goals.

(7) School climate (optional). The school climate assessment is an optional activity for the input/standards assessment self-study accreditation procedures.

NEW SECTION

WAC 180-55-060 SELF-STUDY—PROCESS/OUTCOMES ANALYSIS. Process/outcomes analysis (P/OA) self-study accreditation procedures shall focus on the quality and appropriateness of the school's educational program and the results of such operational efforts. A required component of these procedures shall be the school climate survey, an assessment of the affective environment of the school and the impact of school climate upon the educational processes and outcomes. The process/outcomes analysis procedure shall emphasize the following:

(1) Instructional program analysis. The assessment activity shall review the instructional program and shall evaluate at least: student learning objectives, student achievement, instructional planning, course and content offerings, quality and effectiveness of instruction, and staff inservice activity.

(2) School climate.

(3) Additional problem areas. Preliminary assessments shall be made in the areas of staffing, services, materials and facilities. Detailed analyses shall be applied to any such areas that are indicated as problem areas in terms of their effective operation and/or contribution to desired outcomes.

NEW SECTION

WAC 180-55-065 SELF-STUDY—SELF-DESIGNED. Self-designed (S-D) self-study accreditation procedures may be developed for use at a participating school. Self-designed self-study procedure proposals must be approved in advance by the state superintendent of public instruction and shall address at least the following areas:

(1) Accreditation readiness. Readiness for participation in accreditation activities shall be evaluated in terms of purposes, objectives, commitment and constraints in terms of how each will affect the conduct of the self-study and the implementation of the plan for program improvement.

(2) Direction and coordination. Management of the self-study and the administration of preparation of the plan for program improvement shall be described.

(3) Scope. The self-study must be comprehensive in scope in at least the major areas of program, staff, services, materials, and facilities.

(4) Relationship of findings to the plan for program improvement. The development of the plan for program improvement must be based upon the findings of the self-study.

(5) Timeline. Progress checkpoints in the form of a timeline must be observed during the self-study procedures and provided during the resultant plan for program improvement.

(6) School climate (optional). The school climate assessment is an optional activity for the self-designed self-study accreditation procedures.

STANDARDS-ONLY ACCREDITATION

NEW SECTION

WAC 180-55-070 STANDARDS-ONLY—GENERAL CONDITIONS—TYPES. Standards-only accreditation procedures are provided as officially acceptable alternatives to the preferred self-study procedures for establishing accredited status. Such standards are established for elementary school and middle school accreditation in WAC 180-55-075 through 180-55-115, and for junior high school and senior high school accreditation in WAC 180-55-075 through 180-55-100 and 180-55-120 through 180-55-135.

There shall be no yearly limits on the number of schools that may participate in standards-only accreditation procedures.

NEW SECTION

WAC 180-55-075 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—PROFESSIONAL PREPARATION OF STAFF. In applying the following standards it should be understood that the basic reference for approval is completion of state-approved programs of preparation for the several fields of teaching and school service, rather than any specified courses or any particular number of course credits. School district recommendation and documentation (justification) of preparation including other than institutional programs, when appropriate, will be required when evidence of institutional program completion is lacking.

(1) Principal. The official heads of the school (principals and vice principals) must have the appropriate credentials in accordance with regulations of the state board of education.

(2) Teacher. Teachers should be assigned to their proper grade level or subject area in accordance with their competency based on training and experience. Teachers must have the appropriate credentials in accordance with regulations of the state board of education.

(3) Learning resources specialist (library/audio-visual) and counselor. School programs of instruction and supporting professional services should be staffed by professional personnel recommended by teacher education institutions. School districts shall provide evidence that documents the fact that personnel have completed programs of preparation appropriate to the school functions to which they are assigned. When assignments are not consistent with instructional preparation, the school district shall provide information which in its judgment will justify the assignments.

NEW SECTION

WAC 180-55-080 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—GUIDANCE SERVICES. (1) Physical facilities. Physical facilities suitably equipped to provide privacy for individual counseling.

(2) Recommended organization and program.

(a) A counselor's job description, plus description of administrator's relationship to guidance program.

(b) A functional guidance committee (secondary only).

(c) A testing program that includes achievement and intelligence testing.

(d) Adequate and up-to-date materials pertaining to educational and occupational opportunities (secondary only).

(e) A program of continuous identification of student developmental needs.

(f) Complete and permanent student records maintained with adequate adult clerical help.

NEW SECTION

WAC 180-55-085 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—SCHOOL HEALTH SERVICES. (1) Recommended physical facilities. Provide a health service area with adequate space for the following health appraisal and counseling activities:

(a) Isolating students who are ill.

(b) Administering vision screening tests.

(c) Administering hearing tests.

(d) Providing privacy for conferences with students, parents, teachers and other school personnel.

(2) Recommended organization and program.

(a) Provide help to teachers in observation and referral of students whose characteristics show deviations from those of healthy children.

(b) Provide guidance and assistance in the identification of students with unobservable handicaps who may need special educational opportunities.

(c) Maintain concise and pertinent records containing information that will help to further educational opportunities and potentials of students.

(d) Develop procedures to help prevent and control disease, provide first aid procedures for the injured and emergency care for cases of sudden illness.

(e) Coordinate with the health services of professional and official health agencies in the community.

NEW SECTION

WAC 180-55-090 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—TEXTBOOK AND SUPPLEMENTARY REFERENCE MATERIALS. Each school must have textbooks and

supplementary reference materials which allow for an adequate comprehensive school program consistent with criteria established by the state superintendent of public instruction.

NEW SECTION

WAC 180-55-095 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—EQUIPMENT AND MATERIALS. Each school must have equipment and materials which allow for an adequate comprehensive school program consistent with criteria established by the state superintendent of public instruction.

NEW SECTION

WAC 180-55-100 STANDARDS-ONLY—ELEMENTARY AND SECONDARY—FACILITIES. Each school must have facilities which allow for an adequate comprehensive school program consistent with criteria established by the state superintendent of public instruction.

NEW SECTION

WAC 180-55-105 STANDARDS-ONLY—ELEMENTARY—PROGRAM OFFERINGS. The assessment of adequacy of elementary program offerings shall be based upon the minimum requirements for entitlement to basic education allocation funds (WAC 180-16-191 through 180-16-225) as follows:

(1) Program hours. The school schedule shall meet or exceed the program hour requirements (WAC 180-16-200).

(2) Program mix and subject area coverage. The school program shall meet or exceed the program mix requirements, and all required subjects shall be included in the instructional program (WAC 180-16-200).

NEW SECTION

WAC 180-55-110 STANDARDS-ONLY—ELEMENTARY—NUMBER AND TIME ASSIGNMENT OF PERSONNEL. The provisions below are for the purpose of determining minimum number and time assignments of personnel.

Credit toward personnel requirements of any one of the following categories may not be claimed for personnel who are reported in other categories for the same time period.

The enrollment (E) figure to be used in determining the minimum number of required staff members shall be the latest October 1 enrollment.

Schools with fewer than 100 students refer to (6), below.

(1) Administrative staff. Minimum FTE administrative staff time assigned shall be calculated as follows:

	E
100-200 students:	200
201-500 students:	1.0
501 students and over:	500

In schools having an enrollment above 500, administrative time above 1.0 FTE may be allocated to increase counseling personnel time. Such increase shall be in addition to the counseling personnel staff requirement as computed in WAC 180-55-110(2) and shall be calculated as follows:

E in excess of 500	
800	

(2) Counseling personnel. Minimum FTE counseling staff time assigned shall be calculated as follows:

	E
100 students and over:	800

(Do not include converted administrative time.)

Schools shall have the option of instituting other guidance programs provided that they can show such programs to be equivalent to the standard.

(3) Teachers. A full-time equivalent teacher (FTE) is one who spends 6 hours per day in instruction-related activities. Exclude self-contained special education students and staff from the following calculation for minimum FTE teaching staff time assigned:

	E
100 students and over	25

(4) Learning resource specialists. Minimum FTE learning resource (library/audio-visual) staff time assigned shall be calculated as follows:

100-150 students:	0.5
151-300 students:	300
301 students and over:	1.0

Schools with district facilities for central cataloging and processing of books may deduct 15% of the required learning resource personnel time assignment.

Schools shall have the option of instituting other learning resource programs provided that they can show such programs to be equivalent to the standard.

(5) Clerical staff. Paid adult clerical staff shall be provided at the school for aid to school administrators, teachers, counseling personnel and learning resource specialists at the following hourly rates per week:

100-150 students: Regular classroom hours students are at school x 5.

151-500 students: 40 hrs/wk

	E
501 students and over:	500 + .2 x 40

Clerical time assigned to perform services related to lunch program operation shall not be counted toward fulfillment of the time required by formula.

Schools shall have the option of instituting other clerical staff assignment programs provided that they can show such programs to be equivalent to the standard.

(6) Time assignment — schools with less than 100 students enrolled.

(a) Administrator: .5 FTE

(b) Teachers: E

(c) Learning Resource Specialist: .2 FTE

(d) Counselor: .1 FTE

(e) Clerical Staff: .5 FTE (20 hours)

Assignment time may not be claimed for time assigned to tasks associated with district-level operations.

NEW SECTION

WAC 180-55-115 STANDARDS-ONLY—ELEMENTARY—INSTRUCTIONAL AND LEARNING RESOURCES. (1) Resources.

(a) Teaching materials.

(i) Books: 2000 or 7 per student, whichever is greater.

(ii) Films: Access to 250 titles.

(iii) Filmstrips and slide sets: Access to 200 titles.

(iv) Periodicals: 15.

(v) Tapes and records: Access to 200 titles.

(vi) Wide variety of teaching-learning materials: Vertical file collections; pamphlets; study prints; folded maps; 8 mm films; overhead transparencies and transparency masters; globes; dioramas; realia — all readily available and easily accessible to both teachers and students.

(b) Facilities. Library room(s) seating largest class plus 10 up to 10% of enrollment, if such exceeds the largest class plus 10, with special room for storage and check-out of audio-visual equipment, easily accessible to the charge desk, plus work office, conference areas equipped for listening and viewing; independent work areas (carrels) in larger schools.

(c) Budget. The budget shall provide adequately for library book purchases, materials and supplies, equipment, and equipment maintenance and repair.

(2) Recommended organization and program.
 (a) Materials collections classified and cataloged for use.
 (b) Library available for reading, listening, conferences, and reference throughout the school day.
 (c) Professional personnel of the learning resource center and teachers plan together for the program of library instruction.
 (d) Professional personnel of the learning resource center plan with teachers for the active use of all communication media by students and teachers alike.
 (e) Skilled help to aid teachers and students in the production of teaching-learning materials.

NEW SECTION

WAC 180-55-120 STANDARDS-ONLY—SECONDARY—UNIT OF CREDIT. (1) For the purpose of assessing minimum offerings (WAC 180-55-125) one unit of credit shall be equivalent to a minimum of 60 hours of instruction including normal class change passing time. Fractional credits may be given for fewer or more than 60 hours.

(2) Time spent in class shall be one criterion in judging the worth of a program; however, experimentation in organization is encouraged to provide for individual differences in pupils and better utilization of staff. Deviations from the 60 clock hour unit shall be subject to approval by the state superintendent of public instruction.

NEW SECTION

WAC 180-55-125 STANDARDS-ONLY—SECONDARY—MINIMUM PROGRAM OFFERINGS. The following table lists minimum offerings for secondary school programs, grades seven through twelve, and for each secondary school organization plan. The alternation of courses in successive years may be counted in the year's total offerings, subject to requirements of WAC 180-16-200.

MINIMUM OFFERINGS

SUBJECT	GRADES 7-8	GRADES 9-12	GRADES 7-12	GRADES 7-9	GRADES 10-12
Language Arts	4	14	18	8	10
	(See note a)				
	(May include reading, drama, speech, journalism, college prep English, etc.)				
Social Studies	4	10	14	5	9
Mathematics	4	10	14	8	6
Science	2	10	12	4	8
	(See note b)				
Foreign Language	6	6	2	6	
	(See note c)				
Business Education	10	10		10	
Physical Education	10	10		10	
	Grades 7-8 Provide an average of at least 20 minutes in each school day				
	Grades 9-12 Provide for a minimum of 90 minutes in each school week				
Health	(See note d)				
Practical Arts	1	11	12	4	8
	(May include industrial arts, agriculture, trade and industry classes, etc.)				
Homemaking	1	7	8	3	5
Music	Must be offered at all grade levels (See note e)				
Art	Must be offered at all grade levels				
Driver Education	May be offered outside of school hours				

a/ Including 6-year sequence.
 b/ Must include 1 credit each of life science and physical science in grades 7, 8, and/or 9. All science courses in grades 7-12 should be laboratory oriented.
 c/ Including 3-year sequence.
 d/ Separate 1 credit course must be offered in grades 9-12; in grades 7-8 course may be integrated.
 e/ Secondary programs must include offerings in both vocal and instrumental music.

NEW SECTION

WAC 180-55-130 STANDARDS-ONLY—SECONDARY—NUMBER AND TIME ASSIGNMENT OF PERSONNEL. The provisions below are for the purpose of determining minimum number and time assignments of personnel.

Credit toward personnel requirements of any one of the following categories may not be claimed for personnel who are reported in other categories for the same time period.

The enrollment (E) figure to be used in determining the minimum number of required staff members shall be the latest October 1 enrollment.

Schools with fewer than 150 students refer to (6), below.

(1) Administrative staff. Assigned administrative staff shall be at the rate of one for the first 300 students plus one for each additional 600 students or a fraction of one for any portion thereof.

For schools with fewer than 300 students:

$$\text{Minimum administrative} = \frac{E}{300}$$

For schools with 300 or more students:

$$\text{Minimum administrative} = \frac{E}{600} + \frac{1}{2}$$

Administrative staff requirements in addition to two full-time credentialed administrators may be met by assignment of certificated personnel at the same staff-enrollment ratio.

(2) Teacher staff. Assigned teaching staff shall be at the rate of one for each 25 students.

$$\text{Minimum teaching} = \frac{E}{25}$$

(3) Professional library staff. Assigned library staff shall be at the rate of one for the first 400 students plus one for each additional 1,200 students.

For schools with fewer than 400 students:

$$\text{Minimum library} = \frac{E}{400}$$

For schools with 400 or more students:

$$\text{Minimum library} = \frac{E}{1200} + \frac{2}{3}$$

Library staff requirements in addition to one full-time librarian recommended by a teacher education institution may be met by assigning certificated personnel at the same staff-enrollment ratio.

Schools with central cataloging and processing of books may deduct 15% of the required certificated library personnel and 6% of the total minimum clerical requirement.

(4) Trained counselors. Assigned counseling staff shall be at the rate of one for each 400 students.

$$\text{Minimum counseling} = \frac{E}{400}$$

Administrators shall not be considered in determining compliance with guidance personnel requirements for schools with enrollments over 150 in grades 7-12.

(5) Clerical staff. Paid adult clerical staff shall be provided at the school for aid to school administrators, teachers, guidance personnel and learning resources specialists at the rate of one for each 350 students.

$$\text{Minimum clerical} = \frac{E}{350}$$

(6) Under 150 enrollment in grades 7-12. School districts with fewer than 150 students in grades 7-12 must have the following minimum personnel to provide the instructional program in grades 7-12:

Administrators—1/2
 Teachers—8
 Librarian—1/2
 Counselor—1/2
 Total Certificated Personnel—9 1/2
 Clerks—4/7

Assignment time may not be claimed for time assigned to tasks associated with district-level operations.

NEW SECTION

WAC 180-55-135 STANDARDS-ONLY—SECONDARY—INSTRUCTIONAL AND LEARNING RESOURCES. (1) Resources.

- (a) Teaching materials.
 - (i) Books: 2000 minimum or 7 books per student whichever is greater.
 - (ii) Films, 16 mm: 250 titles (available through rental or loan sources).
 - (iii) Film strips and slide sets: 200 (available through rental or loan sources.)
 - (iv) Newspapers: 1 local, 1 national and 2 area metropolitan dailies.
 - (v) Periodicals—Magazines (including professional); 35 junior high: 50 senior high.
 - (vi) Tapes and records (excluding tapes for language laboratory): 200 (Available through rental or loan sources).
 - (vii) Wide variety of teaching-learning materials: Vertical file collections; pamphlets; study prints; folded maps; 8 mm films; overhead transparencies and transparency masters; globes; dioramas; realia – all readily available and easily accessible to both teachers and students.
- (b) Facilities. Library room(s) seating largest class plus 10 up to 10% of enrollment, if such exceeds the largest class plus 10, with special room for storage and check-out of audio-visual equipment, easily accessible to the charge desk, plus work, office, conference areas equipped for listening and viewing; independent work areas (carrels) in larger schools.
- (c) Budget.
 - (i) Books: \$900 minimum or \$3.50 per student whichever is greater.
 - (ii) Other: Adequate budget in addition to book budget for regular encyclopedia replacement, periodical subscriptions, audio-visual materials, supplies and binding.
- (2) Recommended organization and program.
 - (a) Materials collections classified and cataloged for use.
 - (b) Library available for reading, listening, conferences and reference throughout the school day.
 - (c) Professional personnel of the learning resource center and teachers plan together for the program of library instruction.
 - (d) Professional personnel of the learning resource center plan with teachers for the active use of all communication media by students and teachers alike.
 - (e) Skilled help to aid teachers and students in the production of teaching-learning materials.

WSR 81-04-045 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning secondary education, repealing WAC 180-56-305 through 380;

that such agency will at 9:00 a.m., Thursday, March 19, 1981, in the Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, March 20, 1981, in the Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502.

The authority under which these rules are proposed is RCW 28A.04.120(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1981, and/or orally at 9:00 a.m., Thursday, March 19, 1981, Board Room, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502.

Dated: February 3, 1981
 By: Wm. Ray Broadhead
 Secretary

STATEMENT OF PURPOSE

Rule title: WAC 180-56-305 through 180-56-380, Secondary Education.

Description of purpose: To repeal sections of chapter 180-56 WAC, Secondary Education which are replaced by new chapter 180-55 WAC, School Accreditation.

Statutory authority: RCW 28A.04.120(4).

Summary of rule: Repeals unnecessary sections of chapter 180-56 WAC, Secondary Education, which are replaced by the new chapter on school accreditation.

Reasons supporting proposed action: [No information supplied by agency]

Agency personnel (name, office address, telephone) responsible for drafting, implementation and enforcement: Ken Bumgarner and Bill Everhart, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA 98504, Telephone: 753-6710.

Person/organization proposing rule:

Private Public

Governmental

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: Heard by State Board of Education informally at its January, 1981 meeting with favorable reaction. Supported unanimously by the state-wide accreditation task force.

Necessary as result of federal law federal court action state court action (If so, attach copy of law or court decision). [No information supplied by agency]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-56-305 STATUTORY AUTHORITY.
- (2) WAC 180-56-306 INTENT.
- (3) WAC 180-56-307 DEFINITIONS.
- (4) WAC 180-56-310 TYPES OF ACCREDITATION—CONDITIONS—EFFECTIVE PERIOD.
- (5) WAC 180-56-315 APPROVAL OF SCHOOL DISTRICT PROGRAM.
- (6) WAC 180-56-320 ANNUAL REPORT.
- (7) WAC 180-56-325 UNIT OF CREDIT.
- (8) WAC 180-56-330 MINIMUM PROGRAM OFFERINGS.
- (9) WAC 180-56-335 STANDARDS FOR ACCREDITATION OF COMPREHENSIVE SECONDARY SCHOOLS—MINIMUM REQUIREMENTS FOR STUDENTS—GRADES 9-12.

- (10) WAC 180-56-340 PROFESSIONAL PREPARATION OF STAFF.
- (11) WAC 180-56-345 NUMBER AND TIME ASSIGNMENT OF PERSONNEL.
- (12) WAC 180-56-350 INSTRUCTIONAL AND LEARNING RESOURCES.
- (13) WAC 180-56-355 GUIDANCE SERVICES.
- (14) WAC 180-56-360 SCHOOL HEALTH SERVICES.
- (15) WAC 180-56-365 TEXTBOOK AND SUPPLEMENTARY REFERENCE MATERIALS.
- (16) WAC 180-56-370 EQUIPMENT AND MATERIALS.
- (17) WAC 180-56-375 FACILITIES.
- (18) WAC 180-56-380 ADMINISTRATION OF ACCREDITATION PROCEDURES.

WSR 81-04-046
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education, intends to adopt, amend, or repeal rules concerning state support of public schools, amending WAC 180-16-220;

that such agency will at 9:00 a.m., Thursday, March 19, 1981, in the Board Room, Educational Service District No. 113, 601 McPhee Road S.W., Olympia, WA 98502, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, March 20, 1981, in the Board Room, Educational Service District No. 113, 601 McPhee Road S.W., Olympia, WA 98502.

The authority under which these rules are proposed is RCW 28A.04.120(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1981, and/or orally at 9:00 a.m., Thursday, March 19, 1981, in the Board Room, Educational Service District No. 113, 601 McPhee Road S.W., Olympia, WA 98502.

Dated: February 3, 1981
 By: Wm. Ray Broadhead
 Secretary

STATEMENT OF PURPOSE

Rule title: WAC 180-16-220(3) and (4).

Description of purpose: Amend the section to repeal the requirement of mandatory participation in accreditation by all public secondary schools, and renames current paragraph 4 to 3.

Statutory authority: RCW 28A.04.120(4).

Summary of rule: Amendment to section to repeal current rule in the basic education allocation entitlement system that makes participation in accreditation by public secondary schools a condition for receipt of state funds by school districts.

Reasons supporting proposing action: Allows for the new accreditation system (proposed

new chapter 180-55 WAC, School Accreditation) to be one of voluntary participation. Agency personnel (name, office address, telephone) responsible for drafting, implementation and enforcement: Ken Bumgarner and Bill Everhart, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA 98504, Telephone: 753-6710.

Person/organization proposing rule: Private Public Governmental XX

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: Heard by the State Board of Education informationally at its January, 1981 meeting – favorable reaction.

Supported unanimously by the state-wide accreditation task force.

Necessary as result of federal law federal court action state court action (If so, attach copy of law or court decision). [No information supplied by agency]

AMENDATORY SECTION (Amending Order 7-80, filed 5/29/80)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated employees shall not exceed twenty-three to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-six to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).

(2) Current and valid certificates. Every school district employee required by state statute and/or rule of the state board of education to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential.

(3) ((Participation in accreditation: Each school district shall participate in an accreditation process in accordance with the provisions of RCW 28A.04.120(4) and chapter 180-56 WAC, each as now or hereafter amended:

(4))) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading and mathematics for grades kindergarten through eight and on or before September 1, 1981, for grades nine through twelve.

(a) Each school district must evidence community participation in defining the objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed at least every two years by the school district.

WSR 81-04-047
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed February 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners, intends to adopt, amend, or repeal rules concerning the amending of WAC 308-36-020 and 308-40-101;

that such agency will at 11:00 a.m., Friday, March 20, 1981, in the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, March 20, 1981, in the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.29.030 and 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 17, 1981, and/or orally at 11:00 a.m., Friday, March 20, 1981, Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA.

Dated: February 2, 1981
By: Joanne Redmond
Assistant Administrator

STATEMENT OF PURPOSE

Name Of Agency: Washington State Board of Dental Examiners.

Purpose: The purpose of the amendment to the rules is to change the requirements that applicants for examination provide a certified copy of their diploma to the board prior to taking the examination, and to allow a verified list of graduating students to be accepted in lieu of a diploma.

Statutory Authority: RCW 18.29.030 and 18.32.040.

Summary Of The Rules: WAC 308-36-020 contains the requirements for applications for examinations. The amendment to this rule would allow a verified list of graduating students from the dean of the dental hygiene school to be acceptable proof of graduation in lieu of a certified copy of a diploma.

WAC 308-40-101 contains the requirements for applications for examinations. The amendment to this rule would allow a verified list of graduating students from the dean of the dental school to be acceptable proof of graduation in lieu of a certified copy of a diploma.

Reason Action Proposed: The amendments are proposed to make the application requirements more easily met by both the applicants and the schools from which they have graduated.

Responsible Personnel: The following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing these rules:

Joanne Redmond, Assistant Administrator, 3rd Floor, Highways-Licenses Building, Olympia, WA 98504, 234-2205 (Scan), 753-2205 (Comm).

Proponents: These amendments were proposed by the board as a result of a request from the University of Washington Dental School.

Agency Comments: These amendments are promulgated pursuant to the authority contained in RCW 18.29.030 and 18.32.040.

AMENDATORY SECTION (Amending Order PL 277, filed 11/17/77)

WAC 308-36-020 APPLICATIONS FOR EXAMINATION.

(1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental hygiene schools and current on January 15, 1977, and has approved all and only those dental hygiene schools which were accredited by the C.A.D.D.A.E.P. as of January 15, 1977. Other dental hygiene schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the division of professional licensing in Olympia, at least sixty days prior to the examination.

(3) Completed in every respect means that all portions of the application blank are filled out and that included with the application is:

(a) the required application fee;

(b) either the National Board IBM card or a notarized copy of the National Board certificate. Applicants who have not passed the National Board or the Washington state theory examination will be given a theory examination;

(c) two photos of the applicant taken within the year immediately preceding the application and not over three by three inches in size. (One photo to be attached to the application.)

(4) The only acceptable proof of graduation from an approved dental hygiene school is either a certified copy of a diploma of graduation from such school, or a verified list of graduating students from the dean of the dental hygiene school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no applicant will be admitted to the examination unless ((this)) the certified copy of the diploma or the verified list from the dean has been received by the division of professional licensing of the department of licensing on or before the day of the examination.

(5) Upon completion of his application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(6) Any applicant found attempting to give or receive aid in any manner, either directly or indirectly, will be dismissed from the examination and all work rejected.

AMENDATORY SECTION (Amending Order PL 242, filed 4/22/80)

WAC 308-40-101 EXAMINATION PROCEDURE. (1) To be eligible for the dental examination, the applicant must be a graduate

from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental schools and current on January 15, 1977, and has approved all and only those dental schools which were accredited by the C.A.D.D.A.E.P. as of January 15, 1977. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P. O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

(3) Completed in every respect means that all portions of the application blanks are filled out and that included with the application are:

(a) the required application fee;
(b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;

(c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);

(d) if not a citizen of or resident alien in the United States, full citizenship or resident alien status must be attained within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is either a certified copy of a diploma from such school, or a verified list of graduating students from the dean of the dental school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no ((application)) applicant will be admitted to the examination unless ((this)) the certified copy of the diploma or the verified list from the dean has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

(6) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.

(7) Upon completion of the application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(8) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.

(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.

(10) Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all of his or her work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition,

whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(11) All applicants shall occupy the space assigned to him or her throughout the entire examination.

(12) Under no circumstances may an examination paper be returned to an applicant once it has been turned in as completed.

(13) No persons, other than those directly connected with the examination, shall be admitted to the examination clinical operating and grading areas.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 81-04-048

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order SDO-15-81—Filed February 3, 1981]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to exempt securities, adding new section, WAC 460-42A-020 pertaining to Washington Health Care Facilities Authority Bonds.

This action is taken pursuant to Notice No. WSR 80-18-051 filed with the code reviser on December 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 21.20.450 which directs that the Director, Department of Licensing has authority to implement the provisions of chapter 21-20 RCW, the Securities Act of Washington.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 2, 1981.

By John Gonzalez
Director

NEW SECTION

WAC 460-42A-020 HEALTH CARE FACILITIES AUTHORITY BONDS. The term "industrial or commercial enterprise" as employed in RCW 21.20.310(1) includes nonprofit hospitals and other health care facilities, but shall not include a nonprofit hospital the issuance of securities of which is subject to supervision by the Washington Health Care Facilities Authority or a similar state health care facilities authority, and is subject to supervision and control, as to operating and capital budgets, by the Washington State Hospital Commission or a similar state hospital commission.

WSR 81-04-049
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning public use of state parks areas, chapter 352-32 WAC, including definitions, WAC 352-32-010, camping regulations, WAC 352-32-030 and standard fees charged, WAC 352-32-250. The commission will also take under advisement the issue of fee adjustments, in addition to those noted on the proposed changes shown below to WAC 352-32-250, in accordance with its announced policy to annually review fees charged patrons of Washington state parks. These rules will be publicly reviewed at least every four years;

that such agency will at 9:00 a.m., Thursday, March 19, 1981, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 19, 1981, in the Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, March 18, 1981, and/or orally at 9:00 a.m., Thursday, March 19, 1981, Thunderbird Motor Inn, 510 Kelso Drive, Kelso, WA 98626.

Dated: February 4, 1981
By: D. W. Lowell
Rules Coordinator

STATEMENT OF PURPOSE

Title: The proposed amendatory section to chapter 352-32 WAC defines "Campsites" in state parks; establishes a limit for continuous occupancy of overnight camping facilities by the same person; and revises overnight camping fees for state parks and Environmental Learning Centers.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary: The amendatory sections increase the overnight camping fees charged in state parks and Environmental Learning Centers. An extra fee is established for additional unhitched vehicles in excess of the one allowed at each campsite. New fees are established for utility hookups of domestic water, sewer and electricity when they are available at a campsite. The length of stay for a camper is increased from seven to ten consecutive days in one park. Commission policy directs annual review of overnight camping fees. The cost of operating a park

has increased significantly since the last fee increase – electricity costs have increased by 50 percent. The suggested fee increases are restructured to more accurately reimburse for time spent in parks and utilities available at overnight camping sites. The present limit on consecutive camping days in one park is being expanded to help reduce camper travel and in response to public request.

Agency Staff:

Gene Newman
Washington State Parks and
Recreation Commission
7150 Cleanwater Lane KY-11
Olympia, WA 98504
Telephone: (206) 753-5766

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended statutory language is contained in the proposed amendatory sections as shown below. The rules will be implemented and enforced by existing agency staff.

Federal Law/Court Action: N/A.

AMENDATORY SECTION (Amending Order 48, filed 9/22/80)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated((f, H,)):

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "Ranger" shall mean a duly appointed Washington State Parks Ranger who is vested with police powers under RCW 43.51.170 and WAC 352-32-020, and shall include the Park Manager in charge of any State Park Area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) (("Improved campsite" shall mean designated camping sites which have at least two facilities including water, sewage, or electricity available for hookup and which are designed for the use of persons with recreation vehicles or tents.)) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) (("Standard campsite" shall mean designated camping sites which have one or less facilities of water, electricity or sewage available for hookup and which are designed for the use of persons with recreation vehicles or tents.)) "Utility campsite" shall mean a standard campsite with the addition of one or all of the following utility hookups: Domestic water, sewer and electricity.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Camping" shall mean erecting a tent or shelter or arranging bedding((f,)), or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

((9)) (10) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

((10)) "Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.))

(11) "Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.

(12) "State Park Area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the Commissioner of Public Lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC ((352-15-020) [352-16-020])) 352-16-020.

((12)) (13) "Environmental Learning Centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

AMENDATORY SECTION (Amending Order 45, filed 4/4/80)

WAC 352-32-030 CAMPING. (1) No person shall camp in any State Park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m. (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer improved campsites by tent campers shall be subject to payment of the trailer improved campsite fee except when directed by a ranger to occupy an improved campsite.

(4) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to ((seven-(7))) ten consecutive days in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(6) The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing campsites shall be limited to six persons per site.

(8) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Order 45, filed 4/4/80)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission: (1) Overnight camping – standard campsite(([(.50)] \$4.50)): \$5.00 per night;

(2) Overnight camping – ((improved)) utility campsite ((two or more hookups): \$6.00 per night)) \$5.00 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.00 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping – primitive campsite: \$3.00 per night;

(4) Overnight camping – reservation fee: \$2.00 per campsite for each reserved period((:));

((4))) (5) Group camping area – certain parks: \$.25 per person per night(([(.25)])); Recreational vehicle campers must pay the ((standard)) primitive campsite((.25)) fee or other appropriate fee based on facilities available;

((5))) (6) Environmental Learning Centers: (ELC) overnight camping ((\$.90)) \$2.20 per camper per night(([(.20)]));

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: ((\$.20)) \$2.60 per camper per night(([(.20)]));

(b) Environmental Learning Center day use only: ((\$.75)) \$.90 multiplied by the minimum capacity established for each ELC or ((\$.75)) \$.90 for each member of the group – whichever is higher(([(.75)]));

((6))) (7) Hot showers: \$.10 for four minutes shower time;

((7))) (8) Electric Stoves: \$.10 for thirty minutes cooking time;

((8))) (9) Senior ((Citizen)(Citizens)) Citizens Pass: ((\$.20)) \$15.00 per season (from September 15 through April 30). This fee will provide a maximum of 30 camping nights in one season. A \$1.00 per night surcharge will be added for the use of an electrical hookup;

((9))) (10) Washington senior citizens and disabled or handicapped persons found eligible under chapter 330, Laws of 1977 ex.sess. [RCW 43.51.055] and chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055] shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the commission. Military veterans found eligible under chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055] be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass holder and guest or guests in one car or one recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bike, or mode of transportation other than those referenced above, and who are utilizing overnight campsites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas((:));

((10))) (11) Adirondacks – not to include those located in ELC areas: Same as fee charged for improved campsite. Occupancy shall be limited to the number of built-in bunks provided((:));

((11))) This regulation shall become effective May 5, 1980.))

(12) Extra vehicle charge: \$1.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite;

(13) All fees in this rule shall become effective May 15, 1981 except ELC fees which shall become effective September 8, 1981.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

WSR 81-04-050 PROPOSED RULES CENTRAL WASHINGTON UNIVERSITY [Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.35.120, that Central

Washington University intends to adopt, amend, or repeal rules concerning parking and traffic regulations, amending chapter 106-116 WAC;

that such institution will at 9:00 a.m., Wednesday, March 11, 1981, in the Kachess Room, Student Union Building, CWU campus, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, March 11, 1981, in the Kachess Room, Student Union Building, CWU Campus.

The authority under which these rules are proposed is RCW 28B.35.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 11, 1981, and/or orally at 9:00 a.m., Wednesday, March 11, 1981, Kachess Room, Student Union Building CWU Campus.

Dated: January 27, 1981
By: Judy A. Couture
Administrative Secretary

STATEMENT OF PURPOSE

Title: Chapter 106-116 WAC Parking and Traffic Regulations.

Description Of Purpose: These rules are for the purpose of protecting and controlling pedestrian and vehicular traffic; assuring access at all times for emergency equipment; minimizing traffic disturbance during class hours; and facilitating the work of the university by assuring access by vehicles and by assigning the limited parking space for the most efficient use.

Statutory Authority: RCW 28B.35.120.

Summary Of Rule: Parking and Traffic Regulations.

Reasons Supporting Proposed Action: These changes bring the CWU Parking and Traffic Regulations in compliance with chapter 46.63 RCW, Disposition of Traffic Infractions.

Minor revisions are included to update building names referred to in this chapter. Other changes are proposed to recognize disability permits issued by other state agencies and to provide for handicapped parking areas.

Agency Personnel Responsible For:

Drafting: Paul B. Bechtel, Director of the Physical Plant, Central Washington University, Ellensburg, WA 98926 Phone: Scan 453-1011

Implementation: Al Teebles, Chief of Campus Safety, Central Washington University, Ellensburg, WA 98926 Phone: Scan 453-2958

Enforcement: Al Teebles, Chief of Campus Safety.

Organization Proposing Rule: CWU Traffic and Safety Committee.

Agency Comments Or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None. These rule changes are a result of enactment of chapter 46.63 RCW.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-042 ((CITATIONS)) INFRACTIONS. The entire campus, including parking and traffic areas, is patrolled by the Campus Safety Department with authority to issue ((citations)) infractions for on-campus violations. This authority is further shown in WAC 106-114-040 of this policy.

(2) The Campus Safety Department and its duly sworn officers have authority to issue ((citations)) infractions for violations of Washington Administrative Codes and ordinances and laws of the City of Ellensburg, County of Kittitas, and State of Washington, which violations occur on university owned property.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-050 MODIFICATIONS OF THESE REGULATIONS. The Board of Trustees reserves the right to add, delete or modify portions of these regulations including the appended ((fine and)) monetary penalty schedules in accordance with its regulations and applicable laws.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-102 FACULTY-STAFF AND STUDENTS. (1) Faculty, staff and students shall obtain a permit for all motor vehicles they park on ((the)) posted university grounds at specified times. Fees may be charged and parking permits issued, which will allow vehicles to be parked in specific areas.

(2) A faculty, staff, or student owner, operator, and/or permit holder for a motor vehicle shall be held responsible for any violation involving that vehicle.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 5:30 p.m. Monday through Friday, except:

(2) Vehicles parked in the C-1 Pavilion parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday. No parking permitted daily in C-1 lot from 4:00 a.m. to 5:00 a.m.

(3) Vehicles parked in the C-2 Stadium parking area without a valid parking permit will be ticketed from 7:30 a.m. to 3:00 p.m. Monday through Friday.

(4) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

- (a) Residence Hall staff parking areas,
- (b) Buttons Apartments,
- (c) ((Thirty minute parking)) Limited time zones,
- (d) J Lot
- (e) Handicapped areas.

(5) Vehicles parked in "B" Lot, Hertz Music Building parking area without a valid parking permit will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-204 COMMUTER STUDENTS. Students who commute and park in university parking areas must purchase and display a valid parking permit. They may not park in Staff and Faculty ((reserved lots)) zones or areas, nor in Student Reserved lots or zones.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Roy P. Wahle University Complex, Student Village Apartments, Getz Short Apartments and Buttons Apartments do not need parking permits to park in front of or immediately adjacent to their respective apartments but must register their vehicles with the university.

- (2) Apartment residents may purchase a commuter parking permit.
- (3) Residents of Student Village may park in Lots G1 and G2 without a permit.
- (4) Only residents of Anderson Apartments who purchase a parking permit may park in J Lot.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 43, filed 5/16/79)

WAC 106-116-304 DISABILITY PERMIT. Any university employee, student or visitor who can show physical disability may apply to the Handicapped Student Services Office for a disability parking permit. Certification by a physician may be required.

Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-305 SPECIAL PARKING PERMITS. Special parking permits are available from the Campus Safety Department or automatic ticket dispensers. These permits must be displayed in clear view on the dash of the vehicle, ((printed)) numbered side up, readable from outside the vehicle.

- (1) A special permit is available when permitted vehicle is inoperative and replacement vehicle is being used. ((no cost.))
- (2) Permits are available for loading or unloading. The time limit is thirty minutes.
- (3) Vendor permits are available for vendors conducting business on campus.
- (4) Persons possessing a valid parking permit may purchase a second permit for the sum of \$2.00 per quarter. Both vehicles may not be parked on campus simultaneously.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-306 TEMPORARY PARKING PERMITS. Temporary parking permits may be:

- (1) Purchased on a daily basis from coin-operated dispensers ((on)) in Lots B, C-1 and D.
- (2) Purchased from the Cashier in Mitchell Hall on a weekly basis.
- (3) Obtained through the Scheduling Center in the Samuelson Union Building for attendees of conferences, workshops, and meetings scheduled through that office.
- (4) Valid only in areas not falling within prohibitions of WAC 106-116-202 and WAC 106-116-203.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-403 VISITOR PARKING PERMITS. Visitors may obtain parking permits from ((the Campus Safety Department or)) from the automatic permit dispensers. Permit ((dispenser)) dispensers ((is)) are located near the entrance in "B" Lot, "C-1" Lot in front of Nicholson Pavilion, and "D" Lot.

Visitors on official business may obtain a courtesy permit from the Campus Safety Office, located at 11th and D Street near the entrance to "B" lot.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 37, filed 1/18/78)

WAC 106-116-513 PROCEDURE—((CITATIONS)) INFRACTIONS AND SERVICE THEREOF. Upon probable cause to believe that a violation of these regulations has occurred, an appropriate ((citation)) notice of infraction may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such ((citations)) notice may be served by delivering or mailing a copy thereof to the alleged violator, or by placing a copy thereof in some prominent place within, upon or attached to such vehicle. Service by mail shall be accomplished by placing a copy of the ((citation)) notice in the mail addressed to the alleged violator at the address shown on the records of the Office of the Registrar or the Staff Personnel Office for that person or any other last known address of that person.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The ((citation)) notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the ((fine applicable)) monetary penalty to the ((violation(s))) infraction(s) charged or to contest the matter(s) in the manner described by the court of the Justice of the Peace for Kittitas County, otherwise known as the Lower Kittitas County District Court.

(1) If the alleged violator chooses to forfeit the ((fine(s))) penalty, he/she may do so by paying the appropriate amount to the Justice of the Peace for Kittitas County. Payment will be in cash, by certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the office of the Justice of the Peace for Kittitas County ((and requesting a date to appear in court)) in accordance with directions given on the infraction notice.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 37, 1/13/78)

WAC 106-116-515 PROCEDURE—COMPLAINT AND INFORMATION. (1) ((A citation)) An infraction served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed; the person to whom a permit was issued for the vehicle in which it was placed or to which it was attached; or if no permit for the vehicle cited has been issued, the owner of the vehicle.

(2) The complaint or information may be amended at any time, either in writing delivered or mailed to the alleged violator or upon motion at trial in his presence, to include new charges of violations of these regulations.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-521 ((FINES AND)) MONETARY PENALTIES. (1) The ((fines or)) monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The Chief of Campus Safety will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the Campus Safety Department.

(b) The amount of the ((fine)) monetary penalty to be written on the parking violation notices served on alleged violators.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-603 ((FINES)) MONETARY PENALTY SCHEDULE FOR COURT.

Offense	Fine
(1) Improper display of permit	\$1.00
(2) Parking faculty-staff area	\$1.00
(3) Parking yellow stripe or curb	\$2.00
(4) Parking outside designated parking area	\$2.00
(5) Live parking area	\$2.00
(6) Obstructing traffic	\$2.00
(7) Double Parking	\$2.00
(8) Parking at improper angle or using more than one stall, or backing into parking stall	\$2.00
(9) Violation of the bicycle parking rules in WAC 106-116-901	\$1.00
(10) Reserved parking area	\$2.00
(11) No parking area	\$2.00
(12) Failure to remove keys from ignition	\$2.00
(13) Overtime parking	\$1.00
(14) Vehicle not registered	\$2.00
(15) Falsification of vehicle registration	\$5.00
(16) Using counterfeit, falsely made or altered permit	\$10.00
(17) Illegal use of permit	\$10.00
(18) No current permit	\$2.00
(19) Parking service drive	\$2.00
(20) Parking/driving sidewalks, malls	\$5.00
(21) Parking/driving lawns	\$10.00
(22) Parking fire lane	\$10.00
(23) Parking fire hydrant	\$10.00
(24) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	\$10.00
(25) Other violations of the objectives of the CWU Parking and Traffic Regulations	\$1.00 to \$10.00
(26) Parking in a space marked "Disability Permits Only"	\$10.00
(27) (a) When ((a citation)) an infraction notice for offenses (1), (2), (9), and (13) is issued, any violator may, within one full business day of the issuance thereof, present such((citation)) notice to the District Court office in the Kittitas County Courthouse and therewith pay \$.75 and no additional fine or penalty shall be imposed for such violation.	

(b) The Court Commissioner of the Kittitas County District Court and authorized deputies, or during non-business hours of said Court and the office of the Sheriff of Kittitas County will accept payments made under this rule.

(c) This schedule of ((fines)) monetary penalties and provisions for their payment corresponds with rules laid down by the Lower Kittitas County District Court. ((The court may issue arrest warrants for fines not paid within ten days.))

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 45, filed 8/13/80)

WAC 106-116-901 BICYCLE PARKING AND TRAFFIC REGULATIONS. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride or park bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians having right-of-way, at times and places of congested pedestrian traffic, the bicycle rider must walk the bicycle. A violation of this provision shall constitute a moving violation and shall be referred directly to the Court of the Justice of the Peace for Kittitas County.

(d) Bicyclists must observe the 5 MPH speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impounding for illegal parking:

(a) Bicycles parked on paths, sidewalks, in buildings or near building exits may be impounded. Except in areas adjacent to residence halls, ((bicycles)) or as otherwise permitted and designated by the Director of Housing as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the Chief of Campus Safety. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost or found bicycles shall be subject to sale in accordance with the laws of the State of Washington applicable to such sales conducted by law enforcement authorities.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 81-04-051

PROPOSED RULES

HIGHER EDUCATION

PERSONNEL BOARD

[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board, intends to adopt, amend, or repeal rules concerning:

Amd WAC 251-10-055 Layoff lists—Institution-wide by adding language to provide for removal of an individual's name from an institution-wide layoff list after he/she has declined appointment to three positions to which certified from that list.

Amd WAC 251-10-110 Demotion, suspension, reduction, dismissal—Cause for to remove "physical or mental incapacity" as an example of activities which may result in disciplinary action.

New WAC 251-10-112 Separation—Disability to provide specific language providing for separation of an employee who is physically or mentally unable to perform assigned duties.

New WAC 251-10-113 Separation—Attendance to provide specific language providing for separation of an employee because of excessive absenteeism.

Amd WAC 251-12-240 Burden of proof to add that an institution has the burden of proof in hearings on appeals from separation actions.

Amd WAC 251-18-330 Trial service period to clarify the actions which an institution must take before an employee may be reverted during the trial service period, to clarify the appeal rights available to an employee reverted during the trial service period, and to specify the remedies which may be provided on such appeals.

Amd WAC 251-04-020 Definitions by adding language in the definition of "Trial Service" to provide that an employee's trial service period

may be extended beyond six months by the Board as a result of an appeal under WAC 251-18-330;

that such agency will at 10:00 a.m., Thursday, March 19, 1981, in the Board Room of Building P-12, Fort Steilacoom Community College, Tacoma, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules shall take place at 10:00 a.m., Thursday, March 19, 1981, in the Board Room of Building P-12, Fort Steilacoom Community College, Tacoma, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1981, and/or orally at 10:00 a.m., Thursday, March 19, 1981, Board Room of Building P-12, Fort Steilacoom Community College, Tacoma.

Dated: February 4, 1981
By: Douglas E. Sayan
Director

STATEMENT OF PURPOSE

This statement is related to the Notice filed with the Code Reviser on February 4, 1981, and is filed pursuant to chapter 186, Laws of 1980:

WAC 251-10-055 Layoff lists—Institution-wide; Authority: RCW 28B.16.100.

Purpose of Existing Rule: Establishes process by which names are placed and retained on institution-wide layoff lists.

Summary of Proposed Change: Adds language to provide for removal of individual's name from institution-wide layoff list after he/she has declined appointment to three positions to which certified from that list.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: University of Washington.

The agency makes no comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-10-110 Demotion, suspension, reduction, dismissal—Cause for; Authority: RCW 28B.16.100.

Purpose of Existing Rule: Authorizes appointing authorities to take disciplinary action against an employee for just cause and lists various examples of such just cause.

Summary of Proposed Change: Removes "physical or mental incapacity" as an example of activities which may result in disciplinary action.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas

E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-10-112 Separation—Disability; Authority: RCW 28B.16.100.

Purpose of Existing Rule: New rule proposed.

Summary of Proposed Change: To add new section to provide specific language providing for separation of an employee who is physically or mentally unable to perform assigned duties.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-10-113 Separation—Attendance; Authority: RCW 28B.16.100.

Purpose of Existing Rule: New rule proposed.

Summary of Proposed Change: To provide specific language providing for separation of an employee because of excessive absenteeism.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-12-240 Burden of proof; Authority: RCW 28B.16.100.

Purpose of Existing Rule: To establish which party carries the burden of proof in appeal hearings.

Summary of Proposed Change: To add that an institution has the burden of proof in hearing on appeals from separation actions taken in accordance with WAC 251-10-112.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-18-330 Trial service period; Authority: RCW 28B.16.100.

Purpose of Existing Rule: Provides for reversion of an employee during the trial service period.

Summary of Proposed Change: Clarifies the actions which an institution must take before an employee may be reverted during the trial service period, clarifies the appeal rights available to a reverted employee, and specifies the remedies which may be provided on such appeals.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director-HPEB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

WAC 251-04-020 Definitions; Authority: RCW 28B.16.100.

Purpose of Existing Rule: Provides general definition of "Trial Service."

Summary of Proposed Change: Adds language in the definition of "Trial Service" to provide that an employee's trial service period may be extended beyond six months by the Board as a result of an appeal under WAC 251-18-330.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director-HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

AMENDATORY SECTION (Amending Order 68, filed 2/5/78, effective 1/1/78)

WAC 251-10-055 LAYOFF LISTS—INSTITUTION-WIDE.

(1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

(a) The employee has requested placement on the list;

(b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
(c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions to which certified from the same institution-wide layoff list.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-110 DEMOTION, SUSPENSION, REDUCTION, DISMISSAL—CAUSE FOR. Appointing authorities may demote, suspend, reduce in salary, or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in disciplinary action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, conviction of a crime involving moral turpitude, malfeasance, gross misconduct, ((physical or mental incapacity;)) willful violation of the published institution or related board or higher education personnel board rules or regulations, mistreatment or abuse of fellow workers or members of the public, conflict of interest, etc.

NEW SECTION

WAC 251-10-112 SEPARATION—DISABILITY. Appointing authorities may separate an employee when it is determined that the employee is physically or mentally unable to perform his/her assigned duties. Physical and/or mental disability must be documented by a physician's statement. Written notice of separation must be provided to the employee at least fifteen calendar days prior to the effective date and must advise the employee of his/her right to appeal the separation action.

Separation due to physical or mental incapacity is not considered a disciplinary action and is nonprejudicial concerning classified employment.

NEW SECTION

WAC 251-10-113 SEPARATION—ATTENDANCE. Appointing authorities may separate an employee because of excessive absenteeism. Absences may include excused and unexcused leave. Separation due to absenteeism must be preceded by written notice to the employee setting forth reasonable attendance expectations, and the result of failure to maintain acceptable attendance. Such notice shall be followed by a reasonable period in which attendance can be improved. Notice of separation must be provided in the manner specified in WAC 251-10-120, and shall include notice of appeal rights.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-12-240 BURDEN OF PROOF. (1) At any hearing on appeal from a layoff, demotion, suspension, reduction, separation, or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-330 TRIAL SERVICE PERIOD. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class, unless

(a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) the class is lower in that same class series, or

(c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service ((is not appealable to the Board when prior to the reversion the employee was provided written notice detailing the deficiencies in performance and specific changes required; and was given an opportunity to overcome the deficiencies. Such opportunity is not required when the employee lacks a technical skill that would require more training time to acquire than is available in the trial service period:)) must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(4) An employee who is reverted may appeal to the board regarding:

(a) Whether the employer complied with the requirements of WAC 251-18-330(3)(a) and (b); and

(b) Whether the claimed deficiencies existed at the time of reversion.

(5) The employee shall have the burden of proof in trial service appeals.

(6) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

((4))) (7) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

((5))) (8) Successful completion of the trial service period shall result in permanent status in the class.

((6))) (9) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending Order 84, filed 7/2/80)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY" – A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" – The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this

type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"INSTRUCTIONAL YEAR" – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

(1) Separation from service to an institution;

(2) Separation from service within a class;

(3) Reduction in the work year; and/or

(4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.
"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six months of employment in a class following appointment from an eligible list of a non-permanent employee of the institution.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SEPARATION" – Resignation, retirement, layoff or dismissal from the classified service.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY EMPLOYMENT" –

(1) Work performed in the absence of an employee on leave; or
 (2) Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred eighty calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

WSR 81-04-052

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 81-1—Filed February 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Improvements to single family dwelling—Exemptions—Filing—Amount—Limits, amending WAC 458-16-081.

This action is taken pursuant to Notice No. WSR 81-01-019 filed with the code reviser on December 8, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.36.400 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.
By Glenn R. Pascall
Director

AMENDATORY SECTION (Amending PT 75-3, filed 5/23/75)

WAC 458-16-081 IMPROVEMENTS TO SINGLE FAMILY DWELLINGS—EXEMPTION—FILING—AMOUNT—LIMITS. Any physical improvement to an existing single family dwelling upon real property shall be exempt from taxation for three assessment years: PROVIDED, That no exemption shall be allowed unless a claim is filed with the county assessor of the county in which the property is located prior to ((commencement)) completing the improvement. The claim shall be on such forms as prescribed by the department of revenue and supplied by the county assessor.

The assessor, upon receipt of the claim, shall determine the value of the single family dwelling prior to the improvement. ((and then shall revalue the dwelling upon written notification, by the applicant, of completion of the improvement:)) This valuation may be arrived at by either a new physical appraisal or a statistical update of the current assessed value. Upon written notification of the completion of the improvement by the applicant, the assessor shall revalue the dwelling by means of a physical appraisal. PROVIDED, that the valuation prior to commencing the improvement, whether by a new physical appraisal or statistical update, and the physical appraisal upon completion of the improvement shall not obviate the requirement for a physical appraisal set forth in RCW 36.21.070. The difference of the two values shall be the amount of the exemption and shall be deducted from the value of the dwelling after the completion of the improvement or any subsequent value determined according to chapters 84.41 RCW or 84.48 RCW: PROVIDED, the amount of the exemption shall not exceed thirty percent (30%) of the value of the dwelling prior to the improvement, and, PROVIDED FURTHER, That in no event will the assessed value of the dwelling unit, after deduction of the exemption, be less than it was prior to the improvement.

The cost of the physical improvement shall not be construed as being the dominant factor in determining the exemption.

The exemption shall be allowed on the property for the three assessment years following completion of the improvement. If at any time the property does not meet the definition contained in WAC 458-16-080(1), the exemption shall be cancelled.

This exemption shall not be allowed on the same dwelling more than once in a five year period, calculated from the date the exemption first affected the assessment roll.

WSR 81-04-053

ADOPTED RULES

DEPARTMENT OF REVENUE
[Order PT 81-2—Filed February 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hearing examiners, adopting WAC 458-14-126.

This action is taken pursuant to Notice No. WSR 81-01-020 filed with the code reviser on December 8, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.
By Glenn R. Pascall
Director

NEW SECTION

WAC 458-14-126 HEARING EXAMINERS. In addition to the provisions of WAC 458-14-125, any board of equalization consisting of seven members may employ hearing examiners to assist the board in completing its duties. All persons employed as hearing examiners shall take and subscribe to the same oath that the board members subscribe to as required in WAC 458-14-080.

The hearing examiner may hold hearings separate from the board and take testimony from both the appellant and the assessor's staff. The examiner shall submit the testimony of the appellant and assessor and report his findings to the board. The board shall make the final decision as to the value of the property under appeal. The hearing examiner's report to the board will be in lieu of the appearance of the appellant and assessor's personnel. PROVIDED, that if the board so desires, testimony may be taken from the appellant and assessor's personnel.

WSR 81-04-054

ADOPTED RULES

DEPARTMENT OF REVENUE
[Order PT 81-3—Filed February 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of:

Rep	WAC 458-12-400	through 422 Leasehold estates.
Rep	WAC 458-12-380	Tax freeze act of 1967.
Rep	WAC 458-12-285	Relationship between average inventory provisions of RCW 84.40.020, the "transient trader" provision of RCW

Rep WAC 458-12-290 84.56.180 and the "freeport exemption" (RCW 84.36.171-174). Identification and reporting requirements for "freeport exemption" (RCW 84.36.171-174).

This action is taken pursuant to Notice No. WSR 81-01-036 filed with the code reviser on December 10, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010 and 84.08.070.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.

By Glenn R. Pascall
Director

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 458-12-285 Relationship between average inventory provisions of RCW 84.40.020, the "Transient trader" provision of RCW 84.56.180 and the "Freeport exemption" (RCW 84.36.171-84.36.174).
- (2) WAC 458-12-290 Identification and reporting requirements for "Freeport exemption" (RCW 84.36.171-84.36.174).
- (3) WAC 458-12-380 Levy—Tax freeze act of 1967.
- (4) WAC 458-12-400 Leasehold estates—Definitions.
- (5) WAC 458-12-401 Leasehold estates—Report to county assessor by public body.
- (6) WAC 458-12-402 Leasehold estates—Report to county treasurer by county assessor.
- (7) WAC 458-12-403 Leasehold estates—Notice in lieu tax due—Payment to department.
- (8) WAC 458-12-404 Leasehold estates—Determination of economic rent.
- (9) WAC 458-12-405 Leasehold estates—Amount of in lieu tax.
- (10) WAC 458-12-406 Leasehold estates—Disbursement of the in lieu excise tax.

- (11) WAC 458-12-408 Leasehold estates—Operating properties.
- (12) WAC 458-12-410 Leasehold estates—Exemptions.
- (13) WAC 458-12-412 Leasehold estates—Taxation of improvements.
- (14) WAC 458-12-414 Leasehold estates—Continuity.
- (15) WAC 458-12-416 Leasehold estates—Term.
- (16) WAC 458-12-418 Leasehold estates—Valuation.
- (17) WAC 458-12-420 Leasehold estates—Commercial concessions or restrictions.
- (18) WAC 458-12-422 Leasehold estates—Appeal procedures.

WSR 81-04-055

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 81-4—Filed February 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State levy—Apportionment between counties, adopting WAC 458-19-550.

This action is taken pursuant to Notice No. WSR 81-01-026 filed with the code reviser on December 9, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.55.060 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.48.080 which directs that the Department of Revenue has authority to implement the provisions of RCW 84.48.080.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.

By Glenn R. Pascall
Director

Chapter 458-19 WAC

PROPERTY TAX LEVIES, RATES, AND LIMITS

NEW SECTION

WAC 458-19-550 STATE LEVY—APPORTIONMENT BETWEEN COUNTIES. (1) The department of revenue is empowered by statute to formulate such rules and processes as will ensure the

equalization of taxation and uniformity of administration of the property tax laws of this state. The department is further directed to apportion the amount of the state property tax levy among the counties in proportion to the equalized value of taxable property in each county in order that each county shall pay its due and just proportion of the state tax. The application of the 106 percent limit to the state levy necessitates reasonable measures by the department to achieve the statutory requirement of just apportionment. This rule provides for adjustment in the apportionment of the next following year state levy when changes in property values are effected, in the manner described below, after the certification of the state levy by the department for the previous year. This rule also provides for adjustment for errors as defined herein which are not otherwise correctable in a timely and orderly manner in the year of levy through the exercise or enforcement of the department's supervisory powers. This rule shall be applied in the manner provided below to preserve an equitable and uniform apportionment of the state levy and to ensure the collection of the proper portion of the state levy from within each county.

(2) The levy rate for the state property tax levy is the lesser of (a) \$3.60 per thousand dollars of the full true and fair value of the taxable property in the state, or (b) that rate which, when applied to the valuation figures specified in (3) below, will produce a total amount equal to one hundred and six percent of the base amount, i.e., of the highest state tax levy of the most recent three annual state levies, plus an amount calculated by multiplying the value of a new construction, improvements to real property, and increases in the value of centrally assessed property as determined by the department of revenue, by the levy rate of the state tax applicable in the year prior to the current year for which the tax levy is being computed.

(3) When determining the amount of the state levy with reference to the calculations under (b) above, the dollar amount apportioned to each county shall be computed based upon those valuation figures made available to the department by each county by October 1 of the levy year. If the use of certification of the counties' assessed values for state levy purposes results in an erroneous apportionment among the counties by reason of changes or errors in valuation within a county, the department of revenue shall adjust the following year's levy apportionment to correct for such changes or errors. For purposes of this rule a change in valuation shall include any adjustment effected by a reviewing body (county board of equalization, state board of tax appeals, or court of competent jurisdiction) and may also include additions of omitted property and other additions to or deletions from the assessment and tax rolls. Errors for purposes of adjustments under this rule shall include errors corrected by a final reviewing body and such other errors which have come to the attention of the department and which would otherwise be a subject for correction in the exercise of its supervisory powers.

(4) Correction required by reason of changes or errors relating to that valuation used in apportioning the current levy shall be made by adjusting the apportionment

of the next following year's levy. The department shall recompute the apportionment of the previous year's levy with reference to taxable values corrected for changes and errors and equalized to true and fair value for such previous year's levy. Each county's apportioned amount for the current year's state levy shall be adjusted by the difference between the dollar amounts of state levy due from each county as shown by the original and revised levy computations for the previous year.

(5) Nothing in this rule shall relieve a county from its obligation to correct any error immediately upon discovery, including the calculation of an erroneous rate or the levy of an incorrect amount of tax, when such correction may be timely made to avoid distortion in the true apportionment of the state levy between counties.

WSR 81-04-056

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 81-5—Filed February 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Indicated real property ratio—Computation, amending WAC 458-53-150.

This action is taken pursuant to Notice No. WSR 81-01-028 filed with the code reviser on December 9, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.48.075 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.

By Glenn R. Pascall
Director

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION. (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these

two estimated values is applied to the actual county assessed value, as provided by the assessor in his current Assessors' Certificate of Assessment Rolls to the County Board of Equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio: PROVIDED, That in order for current use values to be used, the request, in writing, ((should)) must be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired, and: PROVIDED, FURTHER, That for the 1981 ratio study year, the request must be submitted, in writing, prior to January 31, 1981. Department current use appraisals will be the basis for the

assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated real property ratio except as provided in subsection (6) of this section.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding forest land and current use assessed values) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county are added certificate forest land and current use assessed values (as provided in subsection (2) of this section), and related true and fair values calculated by the ratio relationships determined for forest lands and current use properties.

(c) The sum of the total real property assessed and true and fair values, forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section) shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values, indicates simplified ratio study computation procedures for real property.

Step 1 – Determination of Average Sample Values

Stratum	(1) Number of Samples	(2) Total Assessed Value of Samples	(3) Average Assessed of Samples (Col. 2 ÷ Col. 1)	(4) Total Market Value of Samples	(5) Average Market Value of Samples (Col. 4 ÷ Col. 1)
(\$ 0 – 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 – 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 – Weighting of Average Sample Values

Stratum	Total Property Listings	Average Sample Assessed Value	Total Estimated Assessed Value (Col. 2 × Col. 1)	Average Sample Market Value	Total Estimated Market Value (Col. 4 × Col. 1)	Ratio (Col. 3 ÷ Col. 5)	(1)	(2)	(3)	(4)	(5)	(6)
\$ 0 – 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500						
10,000 – 15,999	211	13,000	2,743,000	15,000	3,165,000	.8667						
Over 15,999	51	40,000	2,040,000	50,000	2,550,000	.8000						
			5,413,000		6,555,000	.8258						

Sample study weighted ratio (82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3

Application of Sample Weighted Relationship to Actual Real Property Assessed Value and addition of timber and forest land values and open space values.

	(1)	(2)	(3)
	Actual County Real Property Assessed Value (From Assessor's Certificate)	Determined Assessment To Market Ratio	County Real Property Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)
Add: Timber and Forest Land	\$ 6,544,000 (Simulated Value)	.8258 (82.58%) (from Step 2)	\$ 7,924,437
	1,520,000 (Simulated Value)	1.0000 (100.00%)	1,520,000
Open Space (Where Applicable)	400,000 (Simulated Value)	.9000 (90.00%) (Simulated Ratio)	444,444
Open Space Ratios Determined By Open Space Appraisals		÷	
	\$ 8,464,000		\$ 9,888,881 = .8559
County Indicated Real Property Ratio			85.59%

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the Assessors Abstract of Assessed Values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW – current use) and the total taxable assessed value of the personal property roll.

(8) Valid ratio study individual assessed or true and fair values which either exceed or fall below the mean assessed or true and fair value by more than five times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the

application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values. Such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

WSR 81-04-057
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 123—Filed February 4, 1981]

Be it resolved by the undersigned, Jack S. Wayland, Acting Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of the Quillayute and Puyallup river systems and Marine Area 11A to the taking of steelhead trout by Treaty Indians, adopting WAC 232-32-132.

I, Jack S. Wayland, Acting Director, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-132 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by Department of Game from information provided by fish buyers reporting sales of steelhead harvested by Treaty Indian fishermen from the Quillayute and Puyallup river systems and Marine Area 11A pursuant to the reporting system approved by the United States District Court in United States v. Washington, and information from the Quileute, Puyallup, and Muckleshoot Tribe indicates that the treaty share of harvestable steelhead for the Quillayute and Puyallup river systems has been reached or will have been reached on the effective date of this order. Therefore, a closure of the Quillayute and Puyallup river systems and Area 11A is necessary to assure non-treaty sports fishermen their right to take their share of those remaining steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW, and chapter 1-12 WAC.

APPROVED AND ADOPTED February 4, 1981.

Jack S. Wayland
by John Douglas

NEW SECTION

WAC 232-32-132 CLOSURE OF THE QUILLAYUTE AND PUYALLUP RIVER SYSTEMS AND MARINE AREA 11A TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. *It shall be unlawful for all persons to take, fish for, or possess steelhead trout with gill nets and purse seine gear in the Quillayute and Puyallup river systems and Marine Area 11A: effective 12 Noon, February 5, 1981.*

WSR 81-04-058
ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
[Order FM 81-2—Filed February 4, 1981]

I, Thomas R. Brace, director of the State Fire Marshal's Office do promulgate and adopt at the State Fire Marshal's Office, State Modular Office Building, Thurston Airdustrial Center, Olympia, Washington 98504, the annexed rules relating to smoke detection devices in dwelling units, chapter 212-10 WAC.

This action is taken pursuant to Notice No. WSR 81-01-068 filed with the code reviser on December 17, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.48.140 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.
By Thomas R. Brace
Director, Division of State Fire Marshal

Chapter 212-10 WAC
SMOKE DETECTION DEVICES IN DWELLING
UNITS

NEW SECTION

WAC 212-10-010 ADMINISTRATION, AUTHORITY. These rules are adopted pursuant to chapter 50, Laws of 1980, entitled smoke detection devices in dwelling units, and to RCW 48.48.140 to provide for the installation and maintenance of smoke detection devices inside all dwelling units (1) occupied by persons other than the owner, or (2) built or manufactured in this state.

NEW SECTION

WAC 212-10-015 APPLICATION AND SCOPE. (1) The provisions of these rules shall apply to (a) all dwelling units occupied by persons other than the owner after December 31, 1981, and (b) all dwelling units built or manufactured in this state after December 31, 1980.

(2) Notwithstanding the provisions of chapter 19.27 RCW, RCW 43.22.340 through 43.22.434 and 43.22.450 through 43.22.490, the provisions of these rules shall also apply to all buildings or structures, mobile homes and factory built housing used as dwelling units.

NEW SECTION

WAC 212-10-020 DEFINITIONS. (1) **SMOKE DETECTION DEVICE.** A self-contained alarm for detecting visible or invisible particles of combustion, which consists of an assembly of electrical components including a smoke chamber, alarm sounding appliance, and provision for connection to a power supply source, either by splice leads or a cord and plug arrangement or containing integral batteries. A supplemental heat detector may be included as part of the appliance. Terminals may be included for connection to a remote, audible signaling appliance or accessory. An integral transmitter may also be included to energize a remote audible signaling appliance. The smoke detection device may be of the photoelectric and/or ionization type.

(2) **PHOTOELECTRIC DETECTOR.** A smoke detection device which activates when visible smoke from a fire enters the detector. Sensitive to smoldering fires as well as smoke generated by an open flame fire.

(3) **IONIZATION DETECTOR.** A smoke detection device which activates in response to invisible particles created by combustion. Sensitive to open flame fire.

(4) **COMBINATION PHOTOELECTRIC/IONIZATION DETECTOR.** A smoke detection device containing both an ionization and a photoelectric element.

(5) **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(6) **FACTORY BUILT HOUSING.** For the purpose of these rules, factory built housing is considered as any structure designed primarily for human occupancy other than a mobile home, the structure of any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site, and which is subject to regulation by the Washington Department of Labor and Industries pursuant to RCW 43.22.450 through 43.22.490.

(7) **MOBILE HOME.** For the purpose of these rules, a mobile home is considered as a factory-assembled structure or structures assembled with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation, and which is subject to regulation by the Washington Department of Labor and Industries pursuant to RCW 43.22.340 through 43.22.434.

(8) **NEW BUILDING.** For the purpose of these rules, a new building is considered as any structure constructed, erected or moved onto a permanent site on or after December 31, 1980, any portion of which is used or intended for use as a dwelling unit by any person or persons.

(9) **EXISTING BUILDING.** For the purpose of these rules an existing building is considered as any structure in existence prior to December 31, 1981, any portion of which is used, intended for use or thereafter converted for use as a dwelling unit by any person or persons other than the owner who do not otherwise qualify as a guest or member of the household of the owner.

NEW SECTION

WAC 212-10-025 CONFORMANCE WITH NATIONALLY ACCEPTED STANDARDS. All smoke detection devices shall be designed and manufactured in conformance with the requirements of Underwriters Laboratories, Inc. Standard UL 217 or International Conference of Building Officials Standard 43-6, and shall be approved or listed for the purposes for which they are intended.

NEW SECTION

WAC 212-10-030 PRIMARY POWER SUPPLY. The primary power supply of a smoke detection device shall be either a commercial light and power source normally available in the dwelling unit, or an integral battery or batteries. Connection to a commercial power and light source, if used, shall be in the form of permanent wiring to terminals or leads in a separate wiring compartment having provision for the connection of a conduit, metal-clad or nonmetallic sheathed cable, by means of a power supply cord and attachment-plug cap, or by means of a separate power supply. **EXCEPTION:** Smoke detection devices in dwelling units built or manufactured in this state after December 31, 1980, shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent without a disconnecting

switch other than those required for overcurrent protection.

NEW SECTION

WAC 212-10-035 NUMBER OF SMOKE DETECTION DEVICES. (1) At least one smoke detection device shall be installed to protect the sleeping area within each dwelling unit. A sleeping area is defined as the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other-use areas (such as kitchens or living rooms but not bathrooms or closets), or are located on different stories or floor levels, they shall be considered as separate sleeping areas for the purposes of these rules.

(2) Dwelling units with more than one sleeping area shall require the installation of additional smoke detection devices to protect each sleeping area.

NEW SECTION

WAC 212-10-040 LOCATION OF SMOKE DETECTION DEVICES. (1) Smoke detection devices shall be installed outside of bedrooms or rooms used for sleeping purposes but in the immediate vicinity of such rooms, centrally located in the corridor or area giving access to the rooms. In dwelling units without separate sleeping rooms, the smoke detection devices shall be centrally located in the main room. Smoke detection devices shall be located on or near the ceiling. NOTE: Smoke detection devices should be installed in those locations recommended by the manufacturer except in those cases where the space above the ceiling is open to the outside and little or no insulation is present over the ceiling. Such cases result in the ceiling being excessively cold in the winter time or excessively hot in the summer time. Where the ceiling is significantly different in temperature from the air space below, smoke has difficulty reaching the ceiling and to a detector which may be placed there. In this situation, placement of the detector on a side wall, with the top four inches to twelve inches from the ceiling is preferred. In dwelling units employing radiant heating in the ceiling, the wall location is the preferred location. Radiant heating in the ceiling can create a hot-air boundary layer along the ceiling surface which can seriously restrict the movement of smoke to a ceiling-mounted detector.

(2) A smoke detection device installed in a stairwell shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the detection device by an intervening door or obstruction.

(3) Smoke detection devices in rooms with ceiling slopes greater than one-foot rise per eight feet horizontally shall be located at the high side of the room.

(4) Smoke detection devices shall not be mounted in front of an air supply duct outlet or between the bedroom and the furnace cold air return.

NEW SECTION

WAC 212-10-045 INSTALLATION. (1) It is the responsibility of the builder or manufacturer of each

new building, mobile home or factory built housing to install smoke detection devices within each dwelling unit.

(2) It is the responsibility of the owner of each existing building, mobile home or factory built housing to install smoke detection devices within each dwelling unit occupied by persons other than the owner.

(3) It is the responsibility of the owner of each new or existing building, mobile home or factory built housing, containing dwelling units occupied by persons other than the owner, to inspect and test all smoke detection devices at the time of vacancy and make the necessary repairs or replacements to insure that the smoke detection devices are operational prior to reoccupancy, and to instruct the occupants of the purpose, operation and maintenance of the smoke detection device(s).

NEW SECTION

WAC 212-10-050 MAINTENANCE. It is the responsibility of the occupant of all new or existing dwelling units, owned by other than the occupant, to maintain and test all smoke detection devices installed within the dwelling unit by the owner. Actual costs of maintenance, repair or replacement of smoke detection devices shall be as agreed beforehand by the occupant and owner. However, failure of the owner to abide by the terms of any such agreement does not relieve the occupant of the responsibility to maintain the smoke detection devices in a fully operational condition at all times. Failure to do so can subject the occupant to the penalty provisions of WAC 212-10-055.

NEW SECTION

WAC 212-10-055 PENALTIES. Any person who violates any of the provisions of RCW 48.48.140 or these rules shall be punished by a fine of not more than fifty dollars.

NEW SECTION

WAC 212-10-060 SEVERABILITY. If any provision of these rules or its application to any person is held invalid, the remainder of the rules or the application of the provision to other persons or circumstances is not affected.

WSR 81-04-059

NOTICE OF PUBLIC MEETINGS

CRIMINAL JUSTICE

TRAINING COMMISSION

[Memorandum—February 3, 1981]

The following schedule of 1981 meeting dates has been adopted by the Washington State Criminal Justice Training Commission:

Thursday, March 26, 1981, 10:00 a.m., Washington State Criminal Justice Training Center, Seattle.

Thursday, June 18, 1981, 1:00 p.m., Holiday Inn North, Yakima.

Thursday, October 8, 1981, 10:00 a.m., Ramada Inn (Airport), Spokane.

Thursday, December 17, 1981, 10:00 a.m., Washington State Criminal Justice Training Center, Seattle.

WSR 81-04-060
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-11—Filed February 4, 1981]

I, Rolland Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial shellfish regulations.

I, Rolland Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order protects small size shrimp in the area and acts to prevent wastage.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1981.
By Rolland Schmitten
Director

NEW SECTION

WAC 220-52-05300H CLOSED SEASON-SHRIMP. (1) Notwithstanding the provisions of WAC 220-52-053, effective immediately until further notice, it is unlawful to take, fish for or possess shrimp for commercial purposes in those waters of District No. 1 north of a line projected true west from Point Grenville.

(2) Effective immediately until further notice, it is unlawful to possess in or transport through those waters of District No. 1 south of a line projected true west from Point Grenville, Shrimp taken for commercial purposes from Pacific Ocean waters north of the Point Grenville line.

WSR 81-04-061
NOTICE OF PUBLIC MEETINGS
JAIL COMMISSION
[Memorandum—February 4, 1981]

Notice is hereby given that the next public meeting of the Washington State Jail Commission will be March 12 and 13, 1981, in the Auditorium of State Office Building #2, Olympia, Washington, beginning at 1:00 p.m. March 12, 1981. Any questions regarding this meeting may be directed to the State Jail Commission office, 110 East 5th, Room 223, MS/GB-12, Olympia, Washington 98504. Telephone 206-753-5790.

WSR 81-04-062
PROPOSED RULES
JAIL COMMISSION
[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission, intends to adopt, amend, or repeal rules concerning revisions to custodial care standards applicable to holding facilities;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, March 12, 1981, in the Auditorium, State Office Building #2, Olympia, Washington.

The authority under which these rules are proposed is chapter 70.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 5, 1981.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-15-032, 80-16-064 and 81-01-118 filed with the code reviser's office on 10/8/80, 11/5/80 and 12/24/80.

Dated: February 4, 1981
By: George Edensword—Breck
Director

WSR 81-04-063
PROPOSED RULES
JAIL COMMISSION
[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission, intends to adopt, amend, or repeal rules concerning revisions to detention and correctional facility custodial care standards relating to overcrowding, WAC 289-15-220 and housing of juveniles, WAC 289-16-230(3)(b);

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, March 12, 1981, in the Auditorium, State Office Building #2, Olympia, Washington.

The authority under which these rules are proposed is chapter 70.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 5, 1981.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-15-032, 80-16-064 and 81-01-118, filed with the code reviser's office on 10/8/80, 11/5/80 and 12/24/80.

Dated: February 4, 1981
By: George Edensword-Breck
Director

WSR 81-04-064
PROPOSED RULES
JAIL COMMISSION
[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission, intends to adopt, amend, or repeal rules concerning additions to rules relating to custodial care standards enforcement procedures, chapter 289-30 WAC;

that such agency will at 2:00 p.m., Thursday, March 12, 1981, in the Auditorium, State Office Building #2, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, March 12, 1981, in the Auditorium, State Office Building #2, Olympia, Washington.

The authority under which these rules are proposed is chapter 70.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 5, 1981, and/or orally at 2:00 p.m., Thursday, March 12, 1981, Auditorium, State Office Building #2, Olympia, Washington.

Dated: February 4, 1981
By: George Edensword-Breck
Director

STATEMENT OF PURPOSE

Title: Additions to rules relating to Custodial Care Standards Enforcement Procedures.
Purpose: To define terminology in existing rules.

To provide definitions of the terms "full closure" and "partial closure" used in RCW 70.48.080 and incorporated in chapter 289-30 WAC in order to clarify options to be considered by the commission in enforcing mandatory custodial care standards.

Under the supervision of the State Jail Commission, its Director, George Edensword-Breck, is responsible for the drafting, implementation, and enforcement of chapter 289-30 WAC; his office and telephone are: 110 East 5th, Room 223, MS/GB-12, Olympia, WA 98504, (206) 753-5790.

Additions to chapter 289-30 WAC were proposed to the State Jail Commission by its director in order to define terminology in existing rules.

At this time, the commission has no comment or recommendations regarding statutory requirements of chapter 289-30 WAC. This addition is not the result of specific federal law or state law or court action.

NEW SECTION

WAC 289-30-060. ORDER OF CLOSURE OR PARTIAL CLOSURE. For purposes of application of RCW 70.48.080(3)(c), the terms "full closure" and "partial closure" are defined as follows:

(1) "Full closure" is the cessation of all jail operations of any type, including holding any category of prisoner for any length of time.

(2) "Partial closure" includes the continuation of jail operations subject to any or all of the following restrictions:

(a) limitation upon the number of categories of prisoners held, whether in the jail as a whole or within certain parts thereof;

(b) limitation upon length of time prisoners or certain defined categories of prisoners are held;

(c) either of such above limitations when certain prescribed standards are not met and for as long as such standards are not met; and

(d) other specific limitations upon the operation of the jail which are directly related to noncompliance with mandatory custodial care standards.

WSR 81-04-065
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 4, 1981]

Notice is hereby given that the Department of Ecology will not take further action under WSR 80-17-046 to amend WAC 173-19-210, Grant County.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend the program.

John F. Spencer
Acting Director

WSR 81-04-066
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Ecological Commission)
[Memorandum—February 4, 1981]

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

This notice is to inform you that the first quarterly meeting of the Washington State Ecological Commission will be held on Wednesday, March 18, 1981 beginning at 9:00 a.m. at the Department of Ecology Hearings Room, 4224 Sixth Avenue S.E., Lacey, Washington 98503.

For further information, please contact Susan Pratt, Ecological Commission, c/o Department of Ecology, MS PV-11, Olympia, Washington 98504 (telephone 206-753-2240).

**WSR 81-04-067
PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology, intends to adopt, amend, or repeal rules concerning determination of rate, amending WAC 173-164-050;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 10, 1981, in Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.83B.345.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 6, 1981, and/or orally at 10:00 a.m., Tuesday, March 10, 1981, Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington.

Dated: February 4, 1981

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-164-050 Determination of rate.

Description of purpose: The amendment establishes 1981 rates (charges) for water withdrawn from a state owned and operated well.

Statutory authority: RCW 43.83B.345.

Summary of rule: Pursuant to WAC 173-064-050, "Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay."

Reasons supporting proposed action: Probable drought conditions for 1981 season.

Agency personnel responsible for drafting, implementation and enforcement: George Krill, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, 753-2848.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology - state government.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: Statements concerning economic analysis and compliance with the State Environmental Policy Act are on file at the Department of Ecology.

Whether rule is necessary as a result of federal law or federal or state court action: No.

AMENDATORY SECTION (Amending Order DE 80-28, filed 7/14/80)

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the ((remaining 1980)) 1981 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be ((forty)) forty-five dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from pump (feet)	Price per Acre-foot
0 to 10	((0.65)) \$.70
10 to 20	((1.30)) 1.51
20 to 30	((1.95)) 2.18
30 to 40	((2.60)) 2.95
40 to 50	((3.25)) 3.67
50 to 60	((3.95)) 4.90
60 to 70	((4.65)) 5.15
70 to 80	((5.35)) 5.93
80 to 90	((6.05)) 6.63
90 to 100	((6.75)) 7.35
100 to 110	((7.50)) 8.10
110 to 120	((8.25)) 8.84
120 to 130	((9.00)) 9.58
130 to 140	((9.75)) 10.32
140 to 150	((10.50)) 11.06

WSR 81-04-068

**PROPOSED RULES
COMMISSION ON
ASIAN-AMERICAN AFFAIRS**

[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission on Asian-American Affairs, intends to adopt, amend, or repeal rules concerning the organization and operation of the commission, commission meetings, communications with the commission, public records disclosure and uniform rules of practice and procedure;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Saturday, March 21, 1981, in the Rules Room, House Office Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.117.050, 34.04.020, 42.17.250 and 42.30.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 20, 1981.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-18-054 filed with the code reviser's office on December 3, 1980.

Dated: February 4, 1981
By: Robert C. Hargreaves
Assistant Attorney General

WSR 81-04-069
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)
[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning the disposal of deposited dredge spoils from portions of the Toutle and Cowlitz Rivers without charge.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules on economic values, pursuant to chapter 43-21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing;

that such agency will at 7:30, Monday, March 16, 1981, in the Department of Natural Resources, Castle Rock Office, 601 Bond Drive, Castle Rock, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal such rules will take place at 9:00 a.m., Tuesday, April 6, 1981, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 27, 1981, and/or orally at 7:30 p.m., Monday, March 16, 1981, Department of Natural Resources, Castle Rock Office, 601 Bond Drive, Castle Rock, Washington.

Dated: February 4, 1981
By: Brian J. Boyle
Commissioner of Public Lands
Executive Secretary,
Board of Natural Resources

STATEMENT OF PURPOSE

Purpose and Implementation: The purpose of this rule is to adopt a permanent rule authorizing owners on non-state-owned land abutting portions of the Toutle and Cowlitz Rivers to dispose of dredge materials placed upon those lands without the necessity of a charge by the Department of Natural Resources. The rule relates to dredge spoils placed upon abutting lands during 1980 and 1981 although this period may be enlarged based on data, views, or arguments received by the agency.

Adopting Agency: Board of Natural Resources, Department of Natural Resources.

Statutory Authority: RCW 43.30.150(6) in conjunction with RCW 79.01.178.

Summary of Rule and Reasons Therefore: RCW 43.30.150(6) authorizes the Board of

Natural Resources to adopt rules relating to carrying out the policies and overall supervision of the Department of Natural Resources within the department's jurisdiction. RCW 79.01.178 authorizes the disposition of dredge materials on non-state-owned lands where public lands sites are not available. Material dredged from the Toutle and Cowlitz Rivers by the U.S. Army Corps of Engineers has been authorized to be placed on adjacent non-state-owned land. Normally, a charge can be made for further sale or disposition of such material by the non-state land owner if the use of such material is off the original disposal site. The Board of Natural Resources has found that the extraordinary amount of material dredged by the U.S. Army Corps of Engineers and placed on non-state-owned land because of the eruption of Mt. St. Helens has made any further charges that otherwise would have been made on further dispositions to be of nominal value. The board has also determined that it would be in the best interests of the state to allow further disposal of the dispositions without further charge or control by the department.

The rule as proposed would allow the material so placed to be further disposed of by the land owner without charge by the department and free of any interest of the department.

Agency Personnel Involved:

Ralph Beswick, Supervisor, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, Telephone: (206) 753-5331.

John DeMeyer, Southwest Area Manager, 601 Bond Drive, Castle Rock, Washington, Telephone: (206) 577-2025.

Jack Sher, Deputy Supervisor, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, Telephone: (206) 753-5331.

Proponents or Opponents: The rules were initiated and drafted by the Department of Natural Resources staff and revised to its present form after meetings and inputs with interested persons. No opponents are known.

Agency Comments: The extraordinary amount of dredge materials deposited on adjacent private land reduces the value of any charge by the department of the material if further sold off the original dredge sites. The costs of implementing such charges far exceeds any possible financial return to the department.

NEW SECTION

WAC 332-30-164 DREDGE MATERIAL FROM THE TOUTLE AND COWLITZ RIVERS. (1) The Board of Natural Resources pursuant to RCW 43.30.150 determines that, due to the extraordinary volume of material washed down onto state-owned beds

and shorelands in the Toutle and portions of the Cowlitz Rivers, the dredge spoils placed upon adjacent privately owned property in such areas, if further disposed, will be of nominal value to the state and that it would be in the best interests of the state to allow further disposal without charge.

(2) The Board authorizes that all dredge spoil or materials removed from the state-owned beds and shores of the Toutle River and that portion of the Cowlitz River from the confluence of the Toutle River to its mouth deposited on adjacent non-state-owned lands during the years 1980 and 1981 as a result of dredging of the foregoing rivers for navigation and flood control purposes may be further sold, transferred or otherwise disposed of by owners of such lands without the necessity of any charge by the department of natural resources and free and clear of any interest of the department of natural resources state of Washington.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 81-04-070

NOTICE OF PUBLIC MEETINGS ENERGY CONSERVATION

WEATHERIZATION ADVISORY COUNCIL

[Memorandum—February 4, 1981]

The Energy Conservation Weatherization Advisory Council will meet on Wednesday, February 18, at 10:30 a.m. in the Planning and Community Affairs Agency conference room, fourth floor of the Capitol Center Building, 410 West Fifth, Olympia.

For additional information, please contact Claire Hopkins, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, Olympia, Washington 98504, telephone number (206) 753-4106.

WSR 81-04-071

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing, intends to adopt, amend, or repeal rules concerning the use and effectiveness of agency documents printed with the former director's name (copy of the proposed rule is shown below; however, changes may be made at the public hearing);

that such agency will at 10 a.m., Thursday, March 12, 1981, in Conference Room B, 4th Floor, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, March 12, 1981, in Conference Room B, 4th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.17.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1981, and/or orally at 10

a.m., Thursday, March 12, 1981, Conference Room B, 4th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: February 4, 1981
By: Jeffrey O. C. Lane
Assistant Attorney General

STATEMENT OF PURPOSE

Title: Appointment of director—Agency documents.

Description of Purpose: The purpose of this rule is to permit the use of thousands of unused forms now in the Department of Licensing's inventory which are preprinted with the name of the previous director, in order to prevent the expenditure of substantial state money for replacement of the forms.

Statutory Authority: This rule is promulgated pursuant to RCW 43.17.060 which provides that an agency director may adopt rules for the disposition of its business and the use of its documents pertaining to that business. The rule is authorized as well under RCW 43.24.040 and 46.01.160.

Summary of Rule: The rule simply provides that all documents issued from the Department of Licensing in the name of the director after January 14, 1981 shall be considered issued by the newly appointed director, Mr. Gonzalez, even if the name of the former director appears on the documents.

Reasons Supporting Proposed Action: Currently, several statutes require that certain documents be issued "in the name of the director" or "under the director's signature" or similar language. The department has in its inventory many thousands of dollars worth of unused forms, such as vehicle titles, bearing the printed name of the predecessor of the current director. This rule makes it clear that those currently unused documents bearing the former director's name shall be deemed issued by the current director so they may be used rather than discarded to save the substantial expense of replacement.

Agency Personnel Responsible for Drafting, Implementing and Enforcement: In addition to the Director of the Department of Licensing, the following personnel have knowledge of and have responsibility for drafting, implementing and enforcing this rule:

Cheryl Lux Duryea Assistant Director	Sixth Floor Highways-Licenses Bldg. Olympia, WA 98504	234-1369 SCAN 753-1369 COMM
Merle Steffenson Assistant Director	Second Floor Highways-Licenses Bldg. Olympia, WA 98504	234-6914 SCAN 753-6914 COMM

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: This rule is proposed by the Department of Licensing, a governmental agency.

Agency Comments and Recommendations: None.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: This rule is not made necessary as a result of federal law or federal or state court action.

NEW SECTION

WAC 308-04-001 APPOINTMENT OF DIRECTOR – AGENCY DOCUMENTS. John Gonsalez was appointed Director of the Department of Licensing on January 14, 1981. All documents issued after that date in the name of the director in the disposition and performance of the official business of the Department of Licensing shall be considered to have been issued by him or at his direction whether his name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the name of the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

**WSR 81-04-072
PROPOSED RULES
GAMBLING COMMISSION**

[Filed February 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning licensing and regulation of gambling activities (copies of rules are shown below; however, changes may be made at the public hearing);

that such agency will at 10 a.m., Friday, March 13, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, March 13, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

The authority under which these rules are proposed is (1)(a) This rule, WAC 230-02-418, is promulgated pursuant to RCW 9.46.070(1b) and is intended to administratively implement that statute. (2)(a) This rule, WAC 230-04-145, is promulgated pursuant to RCW 9.46.070(1b), and is intended to administratively implement that statute. (3)(b) This rule, WAC 230-04-147, is promulgated pursuant to RCW 9.46.070(13), which directs that the Washington State Gambling Commission has the authority to implement the provisions of chapter 9.46 RCW. (4)(a) The amendment to rule, WAC 230-04-200, is promulgated pursuant to RCW 9.46.070(5), and amendment to rule, WAC 230-30-015, is promulgated pursuant to RCW 9.46.070(5), and they are intended to administratively implement that statute.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 13, 1981, and/or orally at 10 a.m., Friday, March 13, 1981, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

Dated: February 4, 1981
By: Jeffrey O. C. Lane
Assistant Attorney General

STATEMENT OF PURPOSE

Title, Description of Purpose and Statutory Authority for Rules:

Title:

New WAC 230-02-418 Bingo game manager defined.

New WAC 230-04-145 Licensing of managers of bingo games.

New WAC 230-04-147 Notification to the commission upon beginning, terminating or changing employment.

Amend WAC 230-04-200 License fees.

Amend WAC 230-30-015 Identification stamps.

Description of Purpose:

1. New Section, WAC 230-02-418. The purpose of this new rule is to define the term "bingo game manager" for the purposes of a licensing requirement imposed by a separate rule, the purpose of which is discussed in number 2 below. The proposal sets out those functions determined by the Commission to fall within the term bingo game manager.

2. New Section, WAC 230-04-145. The purpose of this new rule is to require licensure by the Gambling Commission in order to act as a manager of a bingo game. Alternatives set out in the proposed draft of the new section would limit the license requirement to managers who receive some type of compensation from the operator of the bingo game and might exempt from the application of the rule bingo managers in class A and B license bingo games, i.e., very small bingo games. Currently, persons may act as managers of bingo games without being licensed. This has led to a circumstance where bingo operator may commit violations of the gambling act or cause violations of the Commission's rules with no effective action respecting that manager available to the Commission. In such a circumstance, the Commission currently may take action only against the licensed operator while the bingo manager may move on to another bingo game to potentially repeat such violations. The proposed rule requiring licensure would prevent anyone from operating as a bingo manager without a license from the Commission and permit the Commission then to foreclose people from those positions who cause violations of the gambling statute, chapter 9.46 RCW, or the Commission's rules.

3. New Section, WAC 230-04-147. The purpose of this rule is to require that a licensed bingo operator notify the Commission when a bingo game manager begins work for the bingo game or leaves the employ of the bingo game so that the Commission is better able to keep track of its

licensees. An alternate form of the rule would make it apply only to bingo game managers who receive some form of compensation. The alternate would be included if the licensing requirement for bingo managers discussed in 2 above is limited to persons receiving some form of compensation. Another alternate would except application of the rule from bingo games with a Class A or B license.

4. Amendment to WAC 230-04-200. The purpose of this amendment is establish a license fee for a bingo game manager's license. The amount of the fee is left blank in the draft and the Commission will determine precisely what the fee will be after hearing. It is not expected the fee would exceed \$300.

5. Amendment to WAC 230-30-015. This amendment simply increases the charge for identification stamps from the current five cents to twenty-five cents. The cost of the Commission obtaining and distributing such stamps has risen substantially since the five cent fee was established several years ago.

Statutory Authority: Statutory authority for the passage of new sections, WAC 230-02-418 and 230-04-145 is RCW 9.46.070(16). The statutory authority for new section, WAC 230-04-147 is RCW 9.46.070(13). The statutory authority for the amendment to WAC 230-04-200 and WAC 230-30-015 is RCW 9.46.070(5).

Summary of Proposed Rules and Reasons Supporting Action.

Summary of Rules:

1. New section, WAC 230-02-418. This new rule defines the term bingo game manager for the purposes of determining the scope of a licensing requirement imposed by new section WAC 230-04-145 discussed below. The rule lists several functions commonly engaged in by bingo game managers and provides that a person performing any of those functions falls within the definition. The rule excludes persons who serve in a ministerial capacity and have no discretionary authority whatsoever unless that person has been expressly designated as a bingo game manager by the organization conducting the bingo game. It also provides that a bingo game may well employ more than one person whose functions constitute those of a bingo game manager under the definition.

2. New section, WAC 230-04-145. This section requires that a person obtain a license from the Gambling Commission before he acts as a manager of a bingo game conducted by a licensed bingo game operator. It further provides that no person shall permit or employ any unlicensed person to perform the duties or functions of a bingo

game manager. Finally, it provides that the president of the bingo licensee or the equivalent officer operating the bingo game in connection with which a license applicant for a bingo game manager license will work must sign the original application for such bingo manager's license acknowledging that the applicant would be working for that bingo licensee with that bingo licensee's knowledge and consent.

3. New section, WAC 230-04-147. This rule requires licensed bingo game operators to notify the Commission in writing when any bingo game manager employed by them begins work or terminates work for that licensee. The notification is required to include the name, sex and birthdate of the employee, the date the employee began to work for the bingo game operator, and an acknowledgement that he or she has done so with the operator's knowledge and consent or if applicable, the date employment has terminated. The report must be made immediately and reach the Commission within ten days. Operators of Class A or B licensed bingo games are excepted from application of the rule. Notices will be required only for bingo game managers who receive some form of compensation if the licensing requirement discussed in 2 above applies only to bingo game managers receiving some compensation.

4. Amendatory Section, WAC 230-04-200. This amendment simply establishes a license fee for the bingo manager's license required by rules discussed in 2 above. The precise fee will be established by the Commission after a hearing on this matter. It is currently expected by staff the fee will not exceed \$300.

5. Amendatory Section, WAC 230-30-015. This rule simply raises the fee for identification stamps obtained from the Commission to affix to punchboards and pull tabs and pull tab dispensing devices from the current five cents to twenty-five cents.

Reasons Supporting Action:

1. New section, WAC 230-02-418. See statement in general description of the rule above.

2. New section, WAC 230-04-145. See statement in general description of the rule above.

3. New section, WAC 230-04-147. Experience has taught the Commission that it needs a method of keeping track of its employee licensees as they move from employer to employer wherein such movement does not require relicensure. Not only does this aid the Commission in processing its routine work respecting the licensee, it provides a valuable aid to its enforcement division both

in anticipating problems and in investigating them.

4. Amendatory section, WAC 230-04-200. See statement in general description of the rule above.

5. Amendatory section, WAC 230-30-015. The Commission instituted its identification stamp program in 1974. Its cost to procure and distribute the identification stamps has risen substantially since then and now approximates the twenty-five cents to which the fee will be raised.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: In addition to the Gambling Commissioners themselves, the following agency personnel have responsibility for drafting, implementing and enforcing these rules:

Keith Kisor Director	Capital Plaza Bldg. 1025 East Union Olympia, WA	234-0865 Scan 753-0865 Commercial
Elwin Hart Deputy Director	Capital Plaza Bldg. 1025 East Union Olympia, WA	234-0865 Scan 753-0865 Commercial
Ronald O. Bailey Assistant Director Enforcement	Capital Plaza Bldg. 1025 East Union Olympia, WA	234-1076 Scan 753-1076 Commercial
Charles Montgomery Admin.	Capital Plaza Bldg. 1025 East Union Olympia, WA	234-0861 Scan 753-0861 Commercial

Proponents and Opponents: These rules are proposed by the staff of the Washington State Gambling Commission.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

NEW SECTION

WAC 230-02-418 BINGO GAME MANAGER DEFINED. A "bingo game manager" is any person who is employed by a bingo game operator for compensation or otherwise, to work in, or in direct connection with, the operation of a bingo game for any one or more of the following purposes:

(1) Acting other than in the capacity simply of an officer or director of the organization, to be the person with the highest level of authority on the premises where the bingo game is conducted, at any particular time, to supervise and direct other people working on the bingo game;

(2) The authority to hire and/or fire other persons working on the bingo game;

(3) The authority to determine game designs and/or the prize structure for, and/or house rules for the bingo games offered by the organization;

(4) The authority to determine and/or contract for the purchasing of supplies and equipment for the operation of the organization's bingo games;

(5) The authority to negotiate for and/or consent for the use by the organization of the premises upon which the bingo games are conducted;

(6) The authority to settle disputes between the organization and players in the bingo game or to settle disputes between or among players in the bingo games;

(7) Other than in a capacity simply as an officer or director of the organization, the authority to sign checks issued in connection with the management or operation of the bingo games;

(8) To report to officers or directors as the principal manager of the organization bingo games and is so designated by the organization.

This definition shall not include any person who serves in merely a ministerial capacity and who has no discretionary authority whatsoever, unless that person has been designated as a bingo game manager by the organization. Any bingo game may well employ more than one person whose functions constitute a bingo game manager under this definition.

NEW SECTION

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. No person [who is compensated in any manner for any purpose, directly or indirectly, by the operator] shall act as a manager of any licensed bingo game [except those operated under a class A and B license], unless and until he or she has received a license to do so from the commission. See WAC 230-02-418 for the definition of a bingo game manager. No person shall permit, or employ, any unlicensed person to perform the duties or functions of a bingo game manager. Licensees shall take all measures necessary to prevent an unlicensed person from performing those duties or functions.

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with that bingo licensee's knowledge and consent.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 230-04-147 NOTIFICATION TO THE COMMISSION UPON BEGINNING, TERMINATING OR CHANGING EMPLOYMENT – BINGO GAME MANAGERS. A licensed bingo game operator shall notify the commission in writing when a bingo game manager [who is receiving some form of compensation for any purpose from that operator] has begun work in the bingo game operation or has terminated employment for any reason.

The notification shall include the full name, sex and birthdate of the employee, and among other things, the date the employee began to work for the bingo game operator, with an acknowledgement that he or she has done so with the operator's knowledge and consent, or the date employment terminated. The report shall be made immediately and must reach the commission's Olympia office not later than 5 p.m. on the tenth day following the employee's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday or state holiday, it shall be due upon the next following business day.

This rule shall not apply to persons operating a bingo game with a class A or class B bingo license only.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order No. 105, filed 1/16/81)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

(1) BINGO

(a) Class A – five hundred dollars or less annual net receipts – \$25.
(b) Class B – over five hundred dollars through five thousand dollars annual net receipts – \$75.

(c) Class C – over five thousand dollars through fifteen thousand dollars annual net receipts – \$300.

(d) Class D – over fifteen thousand dollars through twenty-five thousand dollars annual net receipts – \$500.

(e) Class E – over twenty-five thousand dollars through fifty thousand dollars annual net receipts – \$1000.

(f) Class F – over fifty thousand dollars through one hundred thousand dollars annual net receipts – \$2000.

(g) Class G – over one hundred thousand dollars through five hundred thousand dollars annual net receipts – \$4000.

(h) Class H – over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts – \$5500.

(i) Class I – over seven hundred fifty thousand dollars through one million dollars annual net receipts – \$8000.

(j) Class J – over one million dollars annual net receipts – \$11,000.

(2) RAFFLES

(a) Class C – five hundred dollars or less annual net receipts – \$25.
(b) Class D – over five hundred dollars but not over five thousand dollars, annual net receipts – \$75.

(c) Class E – over five thousand dollars through fifteen thousand dollars annual net receipts – \$300.

(d) Class F – over fifteen thousand dollars annual net receipts – \$500.

(3) **AMUSEMENT GAMES** – by bona fide charitable or bona fide nonprofit organizations.

(a) Class A – five hundred dollars or less annual net receipts – \$25.

(b) Class B – over five hundred dollars through one thousand dollars annual net receipts – \$30.

(c) Class C – over one thousand dollars through five thousand dollars annual net receipts – \$50.

(d) Class D – over five thousand dollars through fifteen thousand dollars annual net receipts – \$200.

(e) Class E – over fifteen thousand dollars annual net receipts – \$350.

(4) **FUND RAISING EVENT** (license year) – by bona fide charitable or bona fide nonprofit organizations.

(a) Class A-1 – one event, one calendar day – \$200.

(b) Class A-1R – one event, one calendar day – recreational – \$5.

(c) Class A-2 – not more than two events, one calendar day each – \$400.

(d) Class B-1 – one event, not more than three calendar days – \$300.

(e) Class B-1R – one event, not more than three calendar days – recreational – \$10.

(5) **SPECIAL LOCATION AMUSEMENT GAMES** – other than bona fide charitable or bona fide nonprofit organizations.

(a) Class A – one event per year lasting no more than 12 consecutive days – \$500.

(b) Class B – twenty-five thousand dollars or less annual net receipts – \$500.

(c) Class C – over twenty-five thousand dollars through one hundred thousand dollars annual net receipts – \$1500.

(d) Class D – over one hundred thousand dollars through five hundred thousand dollars annual net receipts – \$3000.

(e) Class E – over five hundred thousand dollars annual net receipts – \$5000.

(6) **CARD GAMES** – bona fide charitable and nonprofit organizations.

(a) Class A – general (fee to play charged) – \$500.

(b) Class B – limited card games – to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) – \$100.

(c) Class C – tournament only (no more than ten consecutive days per tournament) – \$35.

(d) Class D – general (no fee is charged a player to play cards) – \$35.

(e) Class R – primarily for recreational purposes and meets the standards of WAC 230-04-199 – \$10.

(7) **CARD GAMES** – commercial stimulant – each licensee per premises.

((b)) (a) Class B – limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) – \$100.

((c)) (b) Class C – tournament only (no more than ten consecutive days) – per tournament – \$100.

((d)) (c) Class D – general (no fee is charged a player to play cards) – \$35.

((c)) (d) Class E – general.

(i) up to five tables – \$2000

(ii) up to four tables – \$1500

(iii) up to three tables – \$750

(iv) up to two tables – \$500

(v) one table only – \$250.

(8) **BINGO GAME MANAGER**.

(a) Receives compensation from licensee – [amount to be determined after hearing].

(b) Receives no compensation from licensee – [amount to be determined after hearing].

(9) **PUBLIC CARD ROOM EMPLOYEE** – each licensee – \$100, each renewal – \$50.

((f)) (10) **PERMITS** – for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A – one location and event only – \$10.

(b) Class B – annual permit for specified different events and locations – \$100.

((f)) (11) **PUNCHBOARDS AND PULL TABS** – each licensee, per premises – \$300.

((f)) (12) Manufacturer license – \$1250.

((f)) (13) Distributor license – \$1000.

((f)) (14) Distributor's representative license – \$150, renewal – \$75.

((f)) (15) Manufacturer's representative license – \$150, renewal – \$75.

The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order #90, filed 6/14/79)

WAC 230-30-015 IDENTIFICATION STAMPS. (1) No punchboard, series of pull tabs or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.

With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible.

With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series. Such flare shall also show the series number assigned to that series by the manufacturer. If a different flare than the flare so stamped is used for display when the series of pull tabs is put out for play, then the manufacturer's flare, with the manufacturer's series number and with the identification stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.

(2) Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095.

(3) Identification stamps may be obtained only from the commission, by a licensed manufacturer only, for twenty-five cents each. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device.

(4) No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974.

Table of WAC Sections Affected

Key to Table

Symbols:

AMD = Amendment of existing section
 NEW = New section not previously codified
 REP = Repeal of existing section

AM/DE = Amendment and Decodification of existing section
 RECOD = Recodification of previously codified section

Suffixes:

-P = Proposed action
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-86-095	REP-E	81-04-025	106-116-304	AMD-P	81-04-050
16-231-020	AMD-P	81-02-047	106-116-305	AMD-P	81-04-050
16-231-020	AMD-W	81-03-067	106-116-306	AMD-P	81-04-050
16-231-020	AMD-P	81-03-070	106-116-403	AMD-P	81-04-050
16-231-025	AMD-P	81-02-047	106-116-513	AMD-P	81-04-050
16-231-025	AMD-W	81-03-067	106-116-514	AMD-P	81-04-050
16-231-025	AMD-P	81-03-070	106-116-515	AMD-P	81-04-050
16-231-115	AMD-P	81-02-045	106-116-521	AMD-P	81-04-050
16-231-115	AMD-W	81-03-065	106-116-603	AMD-P	81-04-050
16-231-115	AMD-P	81-03-068	106-116-901	AMD-P	81-04-050
16-231-120	AMD-P	81-02-045	113-12-200	NEW-P	81-04-020
16-231-120	AMD-W	81-03-065	132B-12-003	REP-P	81-04-005
16-231-120	AMD-P	81-03-068	132B-12-006	REP-P	81-04-005
16-231-125	AMD-P	81-02-045	132B-12-009	REP-P	81-04-005
16-231-125	AMD-W	81-03-065	132B-12-012	REP-P	81-04-005
16-231-125	AMD-P	81-03-068	132B-12-015	REP-P	81-04-005
16-231-130	AMD-P	81-02-045	132B-12-018	REP-P	81-04-005
16-231-130	AMD-W	81-03-065	132B-12-021	REP-P	81-04-005
16-231-130	AMD-P	81-03-068	132B-12-024	REP-P	81-04-005
16-232-010	AMD-P	81-02-046	132B-12-027	REP-P	81-04-005
16-232-010	AMD-W	81-03-066	132B-12-030	REP-P	81-04-005
16-232-010	AMD-P	81-03-069	132B-12-033	REP-P	81-04-005
16-232-025	AMD-P	81-02-046	132B-12-036	REP-P	81-04-005
16-232-025	AMD-W	81-03-066	132B-12-039	REP-P	81-04-005
16-232-025	AMD-P	81-03-069	132B-12-042	REP-P	81-04-005
16-750-010	AMD-P	81-02-041	132B-12-045	REP-P	81-04-005
34-02-010	NEW-P	81-04-068	132B-12-048	REP-P	81-04-005
34-02-020	NEW-P	81-04-068	132B-12-051	REP-P	81-04-005
34-02-030	NEW-P	81-04-068	132B-12-054	REP-P	81-04-005
34-04-010	NEW-P	81-04-068	132B-12-057	REP-P	81-04-005
34-04-020	NEW-P	81-04-068	132B-12-060	REP-P	81-04-005
34-04-030	NEW-P	81-04-068	132B-12-063	REP-P	81-04-005
34-04-040	NEW-P	81-04-068	132B-12-066	REP-P	81-04-005
34-04-050	NEW-P	81-04-068	132B-12-069	REP-P	81-04-005
34-04-060	NEW-P	81-04-068	132B-12-072	REP-P	81-04-005
34-04-070	NEW-P	81-04-068	132B-12-075	REP-P	81-04-005
34-04-080	NEW-P	81-04-068	132B-12-078	REP-P	81-04-005
34-04-090	NEW-P	81-04-068	132B-12-081	REP-P	81-04-005
34-04-100	NEW-P	81-04-068	132B-12-084	REP-P	81-04-005
34-04-110	NEW-P	81-04-068	132B-12-087	REP-P	81-04-005
34-04-120	NEW-P	81-04-068	132B-12-090	REP-P	81-04-005
34-06-010	NEW-P	81-04-068	132B-12-093	REP-P	81-04-005
67-32-150	AMD-P	81-03-049	132B-12-096	REP-P	81-04-005
67-32-180	AMD	81-03-048	132B-12-099	REP-P	81-04-005
67-32-310	AMD-P	81-03-049	132B-12-102	REP-P	81-04-005
67-32-910	AMD-P	81-03-049	132B-12-105	REP-P	81-04-005
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98-16-020	NEW-P	81-02-055	132B-12-114	REP-P	81-04-005
98-16-030	NEW-P	81-02-055	132B-12-117	REP-P	81-04-005
98-20-010	NEW-P	81-02-055	132B-12-120	REP-P	81-04-005
106-116-042	AMD-P	81-04-050	132B-12-123	REP-P	81-04-005
106-116-050	AMD-P	81-04-050	132B-12-126	REP-P	81-04-005
106-116-102	AMD-P	81-04-050	132B-12-129	REP-P	81-04-005
106-116-201	AMD-P	81-04-050	132B-12-132	REP-P	81-04-005
106-116-204	AMD-P	81-04-050	132B-12-135	REP-P	81-04-005
106-116-205	AMD-P	81-04-050	132B-12-138	REP-P	81-04-005

Table of WAC Sections Affected

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132B-12-318	REP-P	81-04-005	132M-150-051	REP-W	81-04-026
132B-12-321	REP-P	81-04-005	132M-150-054	REP-W	81-04-026
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132B-12-327	REP-P	81-04-005	132M-150-060	REP-W	81-04-026
132B-12-330	REP-P	81-04-005	132M-150-063	REP-W	81-04-026
132B-12-333	REP-P	81-04-005	132M-160-015	NEW-W	81-04-026
132B-12-336	REP-P	81-04-005	132M-160-020	REP-W	81-04-026
132B-12-339	REP-P	81-04-005	132M-160-030	REP-W	81-04-026
132B-12-342	REP-P	81-04-005	132M-160-040	NEW-W	81-04-026
132B-12-345	REP-P	81-04-005	132M-168-010	REP-W	81-04-026
132B-12-348	REP-P	81-04-005	132M-168-020	REP-W	81-04-026
132B-12-351	REP-P	81-04-005	132M-168-030	REP-W	81-04-026
132B-12-354	REP-P	81-04-005	132M-168-040	REP-W	81-04-026
132B-12-357	REP-P	81-04-005	132M-168-050	REP-W	81-04-026
132B-12-360	REP-P	81-04-005	132V-22-010	AMD-E	81-03-047
132B-12-363	REP-P	81-04-005	132V-22-010	AMD-P	81-03-061
132B-12-368	AMD-P	81-04-005	132V-22-020	AMD-E	81-03-047
132B-276-040	AMD-P	81-04-005	132V-22-020	AMD-P	81-03-061
132H-120-200	AMD-P	81-03-077	132V-22-030	AMD-E	81-03-047
132K-20-070	AMD-P	81-03-023	132V-22-030	AMD-P	81-03-061
132K-112-200	REP-P	81-03-022	132V-22-040	AMD-E	81-03-047
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132L-26-035	AMD	81-03-036	132V-22-050	AMD-E	81-03-047
132L-26-050	AMD	81-03-036	132V-22-050	AMD-P	81-03-061
132L-112-200	AMD	81-03-037	132V-22-060	AMD-E	81-03-047
132L-112-210	AMD	81-03-037	132V-22-060	AMD-P	81-03-061
132L-112-280	AMD	81-03-037	132V-22-100	AMD-E	81-03-047
132M-104-010	AMD-W	81-04-026	132V-22-100	AMD-P	81-03-061
132M-112-010	NEW-W	81-04-026	132V-22-200	AMD-E	81-03-047
132M-112-011	NEW-W	81-04-026	132V-22-200	AMD-P	81-03-061
132M-113-010	NEW-W	81-04-026	139-24-010	REP	81-04-014
132M-113-015	NEW-W	81-04-026	143-06-010	AMD-P	81-03-034
132M-113-020	NEW-W	81-04-026	143-06-020	AMD-P	81-03-034
132M-113-025	NEW-W	81-04-026	143-06-030	AMD-P	81-03-034
132M-113-030	NEW-W	81-04-026	143-06-040	AMD-P	81-03-034
132M-113-035	NEW-W	81-04-026	143-06-050	AMD-P	81-03-034
132M-113-040	NEW-W	81-04-026	143-06-060	AMD-P	81-03-034
132M-113-045	NEW-W	81-04-026	143-06-070	AMD-P	81-03-034
132M-113-050	NEW-W	81-04-026	143-06-080	AMD-P	81-03-034
132M-115-010	NEW-W	81-04-026	143-06-090	AMD-P	81-03-034
132M-115-020	NEW-W	81-04-026	143-06-100	AMD-P	81-03-034
132M-115-030	NEW-W	81-04-026	143-06-110	AMD-P	81-03-034
132M-115-040	NEW-W	81-04-026	143-06-120	AMD-P	81-03-034
132M-116-010	AMD-W	81-04-026	143-06-130	AMD-P	81-03-034
132M-120-060	AMD-W	81-04-026	143-06-140	AMD-P	81-03-034
132M-120-070	AMD-W	81-04-026	143-06-150	AMD-P	81-03-034
132M-120-075	NEW-W	81-04-026	143-06-990	AMD-P	81-03-034
132M-120-090	AMD-W	81-04-026	172-114-010	AMD	81-03-012
132M-136-010	REP-W	81-04-026	172-114-020	AMD	81-03-012
132M-136-020	AMD-W	81-04-026	172-114-030	AMD	81-03-012
132M-136-030	AMD-W	81-04-026	172-114-040	AMD	81-03-012
132M-136-040	REP-W	81-04-026	172-114-050	AMD	81-03-012
132M-136-050	AMD-W	81-04-026	172-114-060	AMD	81-03-012
132M-136-060	AMD-W	81-04-026	172-114-070	AMD	81-03-012
132M-136-070	AMD-W	81-04-026	172-114-080	AMD	81-03-012
132M-136-075	NEW-W	81-04-026	172-114-090	AMD	81-03-012
132M-136-090	AMD-W	81-04-026	172-114-100	REP	81-03-012
132M-140-020	REP-W	81-04-026	172-114-110	REP	81-03-012
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132M-150-006	REP-W	81-04-026	173-14-150	AMD	81-04-027
132M-150-009	REP-W	81-04-026	173-14-155	NEW	81-04-027
132M-150-012	REP-W	81-04-026	173-14-180	AMD	81-04-027
132M-150-015	REP-W	81-04-026	173-14-190	REP	81-04-027
132M-150-018	REP-W	81-04-026	173-19-210	AMD-W	81-04-065
132M-150-021	REP-W	81-04-026	173-19-2521	AMD-P	81-02-050
132M-150-024	REP-W	81-04-026	173-19-3514	AMD-P	81-03-080
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132M-150-030	REP-W	81-04-026	173-19-470	AMD-P	81-02-051
132M-150-033	REP-W	81-04-026	173-164-050	AMD-P	81-04-067
132M-150-036	REP-W	81-04-026	173-400-110	AMD	81-03-002
132M-150-039	REP-W	81-04-026	173-490-020	AMD	81-03-003
132M-150-042	REP-W	81-04-026	173-490-040	AMD	81-03-003

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212-52-005	AMD	81-03-081	212-56-035	REP-P	81-03-051
212-52-010	REP	81-03-081	212-56-040	REP-P	81-03-051
212-52-012	NEW	81-03-081	212-56-045	REP-P	81-03-051
212-52-015	REP	81-03-081	212-56-050	REP-P	81-03-051
212-52-020	AMD	81-03-081	212-56-055	REP-P	81-03-051
212-52-025	AMD	81-03-081	212-56-060	REP-P	81-03-051
212-52-027	NEW	81-03-081	212-56-065	REP-P	81-03-051
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212-52-037	NEW	81-03-081	212-57-005	REP-P	81-03-051
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212-52-060	AMD	81-03-081	212-57-030	REP-P	81-03-051
212-52-065	AMD	81-03-081	212-57-035	REP-P	81-03-051
212-52-070	AMD	81-03-081	212-57-040	REP-P	81-03-051
212-52-075	AMD	81-03-081	212-57-045	REP-P	81-03-051
212-52-080	AMD	81-03-081	212-57-050	REP-P	81-03-051
212-52-090	AMD	81-03-081	212-57-055	REP-P	81-03-051
212-52-095	AMD	81-03-081	212-57-060	REP-P	81-03-051
212-52-100	AMD	81-03-081	212-57-065	REP-P	81-03-051
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212-52-110	AMD	81-03-081	212-58-001	REP-P	81-03-051
212-52-115	AMD	81-03-081	212-58-005	REP-P	81-03-051
212-52-120	AMD	81-03-081	212-58-010	REP-P	81-03-051
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212-54-010	NEW-P	81-03-051	212-58-030	REP-P	81-03-051
212-54-015	NEW-P	81-03-051	212-58-035	REP-P	81-03-051
212-54-020	NEW-P	81-03-051	212-58-040	REP-P	81-03-051
212-54-025	NEW-P	81-03-051	212-58-045	REP-P	81-03-051
212-54-030	NEW-P	81-03-051	212-58-050	REP-P	81-03-051
212-54-035	NEW-P	81-03-051	212-58-055	REP-P	81-03-051
212-54-040	NEW-P	81-03-051	212-58-060	REP-P	81-03-051
212-54-045	NEW-P	81-03-051	212-58-065	REP-P	81-03-051
212-54-050	NEW-P	81-03-051	212-58-070	REP-P	81-03-051
212-54-055	NEW-P	81-03-051	212-59-001	REP-P	81-03-051
212-54-060	NEW-P	81-03-051	212-59-005	REP-P	81-03-051
212-54-065	NEW-P	81-03-051	212-59-010	REP-P	81-03-051
212-54-070	NEW-P	81-03-051	212-59-015	REP-P	81-03-051
212-54-075	NEW-P	81-03-051	212-59-020	REP-P	81-03-051
212-54-080	NEW-P	81-03-051	212-59-025	REP-P	81-03-051
212-54-085	NEW-P	81-03-051	212-59-030	REP-P	81-03-051
212-54-090	NEW-P	81-03-051	212-59-035	REP-P	81-03-051
212-54-095	NEW-P	81-03-051	212-59-040	REP-P	81-03-051
212-54-100	NEW-P	81-03-051	212-59-045	REP-P	81-03-051
212-55-001	NEW-P	81-03-051	212-59-050	REP-P	81-03-051
212-55-005	NEW-P	81-03-051	212-59-055	REP-P	81-03-051
212-55-010	NEW-P	81-03-051	212-59-060	REP-P	81-03-051
212-55-015	NEW-P	81-03-051	212-59-065	REP-P	81-03-051
212-55-020	NEW-P	81-03-051	212-60-001	REP-P	81-03-051
212-55-025	NEW-P	81-03-051	212-60-005	REP-P	81-03-051
212-55-030	NEW-P	81-03-051	212-60-010	REP-P	81-03-051
212-55-035	NEW-P	81-03-051	212-60-015	REP-P	81-03-051
212-55-040	NEW-P	81-03-051	212-60-020	REP-P	81-03-051
212-55-045	NEW-P	81-03-051	212-60-025	REP-P	81-03-051
212-55-050	NEW-P	81-03-051	212-60-030	REP-P	81-03-051
212-55-055	NEW-P	81-03-051	212-60-035	REP-P	81-03-051
212-55-060	NEW-P	81-03-051	212-60-040	REP-P	81-03-051
212-55-065	NEW-P	81-03-051	212-60-045	REP-P	81-03-051
212-55-070	NEW-P	81-03-051	212-60-050	REP-P	81-03-051
212-55-075	NEW-P	81-03-051	212-60-055	REP-P	81-03-051
212-55-080	NEW-P	81-03-051	212-60-060	REP-P	81-03-051
212-55-085	NEW-P	81-03-051	212-60-065	REP-P	81-03-051
212-55-090	NEW-P	81-03-051	212-60-070	REP-P	81-03-051
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212-56-001	REP-P	81-03-051	212-61-005	REP-P	81-03-051
212-56-005	REP-P	81-03-051	212-61-010	REP-P	81-03-051

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